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ADMINISTRATION PROPOSAL FOR COUNTER-TERRORISM ASSISTANCE FOR CENTRAL AMERICA

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HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

NOVEMBER 5 AND 19, 1985

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CENTRAL AMERICAN COUNTERTERRORISM PROPOSALS

TUESDAY, NOVEMBER 5, 1985

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 10:08 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the committee) presiding.

Present: Senators Lugar, Helms, Pressler, Murkowski, Evans, Pell, Cranston, Dodd, and Kerry.

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order.

Before we commence with our business this morning, let me mention some procedural matters for the committee. I hope that staff for members who are not now present will convey these thoughts, though I see that may be quite a burden as there are not yet many staff people here.

In any event, it was my intention initially to convene a brief business meeting today. But, because the Fur Seal Treaty does not appear ready for consideration, and because we have decided to delay consideration of the Foreign Service officer promotion list, there is not a substantial amount of business to consider.

For that reason, I would propose that we consider items on today's agenda at our next business meeting.

That meeting will occur next Wednesday, the 13th of November. At that time, it is my intention to consider the supplemental request for counterterrorism funds for Central America, the issue of our hearing this morning; the United States-PRC Nuclear Agreement; and any other items that are ready for action, which will include nominations. There will be several nomination hearings conducted by members of the committee this week.

I would say, too, in regard to the U.S.-PRC agreement, I have requested the Central Intelligence Agency [CIA] to provide a briefing to the committee on certain questions relating to the agreement. That will be a closed session.

We do not yet have agreement from the Agency, so I cannot announce the time of the briefing. It is my intent to try to set that for Thursday or Friday of this week. The distinguished ranking member and I have visited about this, and we concur that such a briefing would be very useful.

So, if staff would indicate to absent members that we will have a thorough debate and vote, if necessary, next week on the nuclear agreement, on the counterterrorism request, and on nominations, and if the Fur Seal Treaty is in shape by that time, we could even take another look at that, although that has been a recurring situation for us.

Senator PELL. If the chairman would yield at that point——

The CHAIRMAN. Yes, I would be happy to yield.

Senator PELL [continuing]. I would make two points.

First, in connection with the action regarding the nuclear arrangement with China, I do believe we really should insist on a briefing by the CIA before we consider it; and, in addition to that, on behalf of some members on my side of the aisle, I must ask that there be another hearing on that so that we can have more witnesses and discussion.

Second, in connection with the counterterrorism proposal, again, we have the administration witnesses here, but I do believe there should be some witnesses from the public sector as well before we actually consider that legislation.

I just wanted to make those two observations.

The CHAIRMAN. Very well.

We will attempt to do that.

As I have mentioned, we are still trying to get the CIA briefing.

Now, the additional hearing with regard to China will have to occur fairly rapidly because time is running out. I think the distinguished ranking member has reminded us that by the 17th of November, the committee needs to have acted or we will lose jurisdiction.

So, I will ask staff for the majority and minority to take a look quickly at the calendar and at the potential witnesses the distinguished ranking member might want to hear so that we could still plan to meet on the 13th. I have chosen that date because I think we need to start early. These are complex subjects; We need to take adequate time so that all members can be heard that day.

Let us proceed with those thoughts in mind.

I am certainly agreeable to attempting to arrange both of those events—the intelligence briefing and the other.

Now, with regard to the Latin American situation, if we have need for another briefing on that, that also will need to be fitted in. I am told by staff that we invited public witnesses for today's session but they declined.

Now, there may be other persons who, after they have heard the testimony today, will accept. We will take a look quickly to see if that is possible.

Senator PELL. I think it was a question of communication here. We will make sure there will be some public witnesses available.

I would also like to amend my earlier point that we really are not asking for another hearing on the nuclear agreement, but it is simply that we could just have a briefing prior to actual consideration.

The CHAIRMAN. Yes, the intelligence briefing.

Senator PELL. That's correct.

The CHAIRMAN. So that would be sufficient and we would not have to have a public hearing?

Senator PELL. Correct.

The CHAIRMAN. All right.

That, then, will give us some additional time for the counterterrorism hearing if there are witnesses there that need to be heard.

I would like to ask the indulgence of our witnesses for a moment, and I think it is appropriate because Secretary Abrams in particular is here, to mention the situation that we observed in Guatemala.

I would like to read a short statement that I read in behalf of the distinguished delegation of U.S. observers on Sunday night in Guatemala City. That delegation included Congressman Roemer of Louisiana; Senator McConnell of Kentucky; Congressman McCain, of Arizona; and Congressman Atkins of Massachusetts. In addition, it included our Ambassador, Mr. Piedra, Raymond Burghardt of the National Security Counsel; and Bruce McColm of the OAS Commission for Human Rights. The private sector persons were Cameron Clark, Jr., a businessman; Josiah Moore, chairman of the Papago Tribe of Arizona; John Silber, the president of Boston University; William Doherty, the executive director of the American Institute for Free Labor Development, AFL–CIO; Jose Sorzano, president, Cuban American National Foundation; Carl Gershman, president of the National Endowment for Democracy; Georges Fauriol, Latin American studies, Center for Strategic and International Studies; Richard Ouderkirk, professor of history of Principia College; Howard Penniman, of the American Enterprise Institute; Bruce Cameron, human rights lobbyist; and Charles Bartlett, president of the Jefferson Foundation.

All of these persons have concurred in this statement in which we said:

> Today, we were privileged to witness the voting of the people of Guatemala for presidential, legislative, and municipal elections. It is the unanimous conclusion of this bipartisan delegation of elected officials and private citizens that these contests were fairly and efficiently conducted. Our delegation has spent the day observing the balloting at hundreds of voting places throughout the country and the counting of votes in Guatemala City. We are satisfied that the electoral system is well designed, that its requirements were observed throughout the process.
>
> Instances of difficulty were few, isolated, and did not work to the advantage of any particular candidate. We witnessed no intimidation or improper influence upon the voters. Those voters we observed and spoke with expressed confidence in and generally reflected a positive view of the elections. These elections are enormously significant for Guatemala and for the other nations of the Western Hemisphere. They appear to represent another important step forward in the advance of democracy in Latin America during recent years.
>
> We recognize they do not resolve all of Guatemala's problems. The Guatemalan people face the challenge of perfecting and consolidating their new democracy and making it function in behalf of human rights and socio-economic progress.
>
> But this vote does, however, present an indispensible step forward. We congratulate the people of Guatemala and the authorities that made the selection possible. We thank them for the hospitality that has facilitated our task. In particular, we want to congratulate the supreme electoral tribunal, which did an exemplary job of organizing a very complex process in a judicious manner.
>
> The recruiting and training of the election workers was especially impressive and enhanced the confidence of the voters in the election process.
>
> Finally, we would like to express our appreciation of the staff of the United States Embassy in Guatemala, who, under the direction of Ambassador Alberto Piedra, clearly articulated the commitment of the United States Government to the democratic process in Guatemala.

And I would add in congratulations to representatives of our Government who were involved in the training of volunteer workers, four of whom worked at each of the 5,100 voting tables. I also applaud the use of antifraud election ballot paper that was there, the extraordinarily meticulous counting of the votes, the counting of each ballot, those that were marked, those that were marked in too many places, and those that were unmarked at all, and the giving of the ballot to each of the observers of political parties around the table so that they could agree on each of 500 ballots at every table. The count appears to have been absolutely accurate and the audit procedures seem to be being adhered to so that all of the ballots are available for a recount, if required. These practices led to expressions of confidence by all the political parties. It was my privilege to visit with the presidential candidates I think of all the political parties, most of the vice presidential candidates, most of the election officials, all of the tribunal officials. I want simply to indicate that in our judgment, this was an exemplary process.

As our statement points out, whoever emerges—and there may be a runoff of the two leading candidates in December—whoever emerges will have enormous problems. But, nevertheless, one of the chief expressions of our committee and of the Congress is that the elections should take place and this is well on the way—at least halfway—to having occurred, and it would appear that there will be a civilian elected in December, who will take office on January 14. He will have the confidence of the military, of the private sector and of the eight political parties that contested this election.

So that is good news, and we are grateful.

Today the committee welcomes Hon. Elliott Abrams and Lt. Gen. Philip Gast to testify on the administration's request for supplemental funds to combat terrorism in Central America.

This request has its origin in the murder of four United States marines in El Salvador last summer, as well as in what appears to be an increasing campaign of guerrillas in Central America to resort to acts of terror.

We look forward to a comprehensive review of the scope and the rationale of the request which the administration has submitted to us.

I welcome you at this point, gentlemen.

I would like to ask, before we proceed with your testimony, for the distinguished ranking member of the committee to present a statement.

Senator Pell.

Senator Pell. Thank you, Mr. Chairman. I join you in welcoming Assistant Secretary Abrams, General Gast, and their associates this morning to present the administration's case for a $54 million Counterterrorism Program.

Three aspects of this program bother me.

First, I believe that Congress was very responsive to the administration's arguments concerning the needs of the region during its consideration of the 1985 foreign aid authorization legislation. Police training prohibitions were then waived entirely for El Salvador, Honduras, Costa Rica, and the eastern Caribbean. Broad authority was then granted for funding and training to improve the administration of justice throughout the hemisphere, and the funds for antiterrorism training itself were then almost doubled.

Why new authorities and substantially more moneys are needed now, and why this request was not made at the time of our consideration of the 1986 foreign aid bill a very few months ago is a puzzling question, at least to me.

Second, I am concerned that so much of the terrorism the administration purports to oppose has, tragically, been institutional terrorism, perpetrated by the very police and military regimes we now propose to assist.

In country after country—Guatemala, El Salvador, Honduras, in South American dictatorships, where abuses have occurred, they have all too often been orchestrated by rightwing groups acting with the tacit concent of rightwing, authoritarian, military governments.

The burden of proof is on the administration to demonstrate that the new civilian governments in the region can now exercise sufficient control over police forces and over the military to justify funding those institutions with antiterrorism training and equipment.

Simply put, how do we insure that those who once engaged in terrorism and human rights abuses are not now reequipped to engage in more of the same.

The third aspect of this question that bothers me is a point I have made since the very beginning about the administration's policy of support for the Contras in Nicaragua. On the one hand, we are funding a Counterterrorism Program for Central America, while on the other hand, we are financing and equipping guerrillas who employ terrorist acts to overthrow the Sandinista government in Managua. In other words, we are supporting "our terrorists."

As I have stated previously, one man's terrorist is another man's freedom fighter.

So long as this contradiction continues to gird our policies in Central America, where we seek to topple one government and support another, I believe our credibility in the worldwide fight against terrorism will be tarnished.

I am eager to hear the administration's arguments and look forward to hearing their rebuttal.

Thank you.

The CHAIRMAN. Thank you very much, Senator Pell.

We would like to hear in order from Hon. Elliott Abrams, Assistant Secretary of State for Inter-American Affairs; and then from his colleague, General Gast, who has come along today; and from others as you may designate. The committee would then like to ask questions.

Secretary Abrams.

STATEMENT OF HON. ELLIOTT ABRAMS, ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE, ACCOMPANIED BY AMBASSADOR EDWARD MARKS, GEORGETOWN CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, AND THE DEPARTMENT OF STATE; AND JAMES MICHEL, DEPUTY ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. ABRAMS. Thank you, Mr. Chairman.

We are seeking, as you know, legislative authority and funding to initiate a Central American Counterterrorism Program, a $54 million program for military and civilian counterterrorism assistance for El Salvador, Honduras, Panama, Guatemala, and Costa Rica.

The bill authorizes a program for Belize, but no program for that country is intended right now.

One-half of that amount, $27 million, will be dedicated to establishing a specialized military Counterterrorism Program. The military counterterrorism assistance program would be administered by the Department of Defense.

We are seeking an additional $26 million for a law enforcement counterterrorism assistance program, to be administered by the Department of State.

The bill provides exceptions from the operational constraints on the location of training and on the types and quantities of equipment that otherwise apply under chapter VIII of part II of the Foreign Assistance Act.

The final million dollars would be allocated to the Secretary of State for a fund to meet the costs of protecting individuals who cooperate with the United States in counterterrorism matters.

We are confronted with a rising terrorist threat in Central America. The return to democratic civilian government in Central America and the progress by elected governments in defeating the guerrilla challenge is being met by an increasing resort to terrorism as a deliberate tactic by Communist guerrillas.

We have seen the most blatant terrorist attacks in El Salvador. But available information also indicates increased threats in Honduras, Guatemala, and Costa Rica, and the possibility of terrorism in Panama poses a threat to United States strategic interests there and to the 40,000 Americans who are present in Panama.

The threat, in El Salvador in particular, is changing in character, partly, at least, because of the very success we have had, the military of El Salvador has had, in combating the insurgence in the countryside. The tragic murder of four U.S. Marines, two other U.S. citizens, and seven other persons in San Salvador last June was a striking example of this shift in tactics.

In addition, in recent months, we have seen the kidnaping of 23 mayors and other officials and citizens of El Salvador, most notably President Duarte's daughter.

In thanking President Reagan, the Congress and the American people for support and for assistance during the kidnaping of his daughter, President Duarte told the National Press Club last Thursday this, and I quote:

> In Central America, in my own country, countless persons from all walks of life, and in the case of my family, my daughter, Ines Guadelupe, would not have been victims of the merciless violence of the terrorists if terrorists did not have the support, direction, approval, and timely protection of the terrorist dictatorship in Nicaragua. Nicaragua is the Central American source for totalitarianism and violence, and is the sanctuary for terrorists. The Salvadoran guerrillas, whose headquarters is in Managua, have been trained, sheltered, armed, and helped by the totalitarian governments of Nicaragua and Cuba with the support of the PLO and countries such as Libya. I ask if terrorism could be possible without the assistance given by governments that, like Nicaragua, show total disregard for all the principles and rules of international law.

President Duarte's speech reaffirms our belief that the pattern in El Salvador may well repeat itself elsewhere in Central America.

So, this new challenge must be met by an adequate response from the United States, for the challenge and the terrorism is aimed as much at us as at our friends in the region.

We conducted a review of the political and security situation in the region in the wake of those June 19 murders in San Salvador, and out of it came several conclusions.

First, passive measures to increase the security of U.S. personnel and facilities are essential, but they are not enough. When outside the Embassy, U.S. personnel are primarily dependent upon the police for physical security. Building a better Embassy building, as important as that is, does not, of course, provide security outside that building.

Second, terrorism is not only a threat to our people and facilities, but also to the survival of the nascent and fragile democratic institutions our policy supports.

Third, we and the local governments are being tested, and in the absence of a response, terrorists who have experienced success will do more. Their activities will be emulated elsewhere. Serious questions will arise as to the policy, the will, and the capability of both the United States and the local governments, and the political stability of the local governments will be undermined.

After all, one of the prime tasks of any government is to protect the populace, to maintain law and to maintain order. One of the purposes of this terrorism is to demonstrate to the people of those countries that your government cannot do it. Helping these new democracies be able to maintain order, law, and justice in the society is a crucial goal that we have for our policy.

Fourth, the prohibition on U.S. assistance to public security forces has been partly responsible for the gap that terrorists are taking advantage of.

We are assisting the local military forces in combating insurgency, we are assisting the judicial system in improving the administration of justice, we are trying to strengthen the economic system, but we are not doing enough to protect ourselves and the people and governments of the region from wanton terrorism by strengthening the counterterrorism capabilities of the police and the military forces.

Fifth, any counterterrorism program that includes assistance to the police should take into careful consideration past U.S. efforts and our overriding concerns for human rights, to insure that such assistance will strengthen rather than weaken the rule of law in respect to civil liberties.

I want to emphasize here the word "assistance."

Notwithstanding the threat to U.S. interests, we cannot go into these countries and assume the role of a policeman. Fighting terrorism is a task that they, the emerging democracies, must do themselves. But we can help.

Improving the counterterrorism capabilities of the countries in the region will require a long-range, multiyear program. It is important to note that the military forces of these Central American countries currently have the primary security responsibility for defending against terrorism.

Local police forces, however, are less well-developed institutionally, are weaker in terms of trained, equipped personnel, and are desperately lacking in essential equipment. Therefore, the military counterterrorism program will assist participating governments to enhance their antiterrorism defenses now, while the police assistance program will begin to develop a civilian contribution which will eventually replace aspects of the military contribution.

Just as an example of that shortage of equipment, in June, in San Salvador, after the marines were shot, the local police had to arrive at the scene on public transportation. They just do not have police cars. They do not have radios which would allow them to come to the scene of a crime, to come to the scene and provide medical assistance. There is just nothing on that order available to the national police.

Under the Military Assistance Program, we are proposing the $27 million Regional Enhanced Counter-Terrorism Program, or RECAP. RECAP would be a separate and identifiable program in the host countries.

It should not be viewed as merely a supplement to the existing military assistance programs. It would be implemented by means of the existing MAP channels, and as a special counterterrorism project within our U.S. military assistance programs.

DOD will use its existing facilities and personnel to provide the training and equipment necessary to improve the counterterrorist capabilities of the military forces of the host governments. The funds will be used for training and procurement of counterterrorist military items.

We project extensive training and procurement for enhancing the capabilities of the Armed Forces—command and control, use of intelligence, arms interdiction, hostage rescue, night and small unit operations, expanding civil defense operations, and spare parts and sustainment.

The counterpart program on the civilian side is the Law Enforcement Counter-Terrorism Assistance Program, a $26 million program, which is designed to assist recipient governments to strengthen law enforcement institutions necessary to combat terrorist attacks. It will do so by offering direct police training and equipment assistance to do the following:

Encourage the creation and development of modern law enforcement agencies which combine the use of appropriate modern techniques with concern for democratic procedures and human rights safeguards;

Be limited to types of training and equipment appropriate for civilian law enforcement authorities;

Be coordinated with other USG programs in the areas of counterinsurgency, antiterrorism, and drug enforcement;

Be designed to support the process of building democratic institutions by enhancing respect for the rule of law.

A March 1985, Congressional Research Service study of postwar insurgencies emphasized the importance of responsible, competent police forces in successful counterterrorism programs. The gap in U.S. Government counterterrorism assistance in this regard was noted in the report of the House Committee on Foreign Affairs Staff Study Mission on International Terrorism and Diplomatic Security, which visited a number of countries in Central and South America in November of last year.

The absolutely essential first step in remedying the problems noted by the congressional report is a political commitment by the host country regarding the necessity and role of the civilian police.

The Law Enforcement Counter-Terorrism Assistance Program will be the channel by which we provide the externally required training and equipment resources and help with the planning for such a program.

The civilian program will be managed by the Department of State in close cooperation with U.S. civilian law enforcement agencies, local as well as Federal.

Management for the program will be provided by ATA, the successful Anti-Terrorism Assistance Office in the State Department. ATA will be integrated into the new Bureau of Diplomatic Security that we are establishing.

The Ambassador-at-Large for Combatting Terrorism will provide counterterrorism policy guidance and assure the coordination of the civilian side of the program with other relevant antiterrorism programs.

The Bureau of Inter-American Affairs will provide regional policy guidance and the Bureau of Human Rights will provide human rights and program design guidance.

I would like to emphasize that we view the new military and civilian programs as two sides of the same coin. They must be carefully coordinated and integrated with existing U.S. Government security assistance and antiterrorism programs.

In pursuing the goal of tighter coordination, we are implementing the intent of Congress, as expressed in section 502 of the International Security and Development Cooperation Act of 1985.

Specifically, an interagency working group of the interdepartmental group on terrorism will be charged with the overall coordination of U.S. counterterrorism efforts in the participating countries, as well as seeing that the counterterrorist programs mesh effectively with other progress in the military, economic, social, and political fields.

Finally, Mr. Chairman, I would like to describe the third element of the proposal, the $1 million counterterrorism protection fund.

It is clear that a successful counterterrorism program requires depriving terrorists of the ability to intimidate. The threat of retaliation permits terrorists to thwart the law enforcement system itself. Therefore, the successful prosecution of terrorists requires willingness of citizens to provide information and to testify in court. In our efforts to prosecute cases in which Americans have been murdered in El Salvador, time after time this has been a terrible obstacle.

What this requires is a system of protection for witnesses.

When the United States requests individuals to place themselves at risk in the cause of combating terrorism, we incur a moral obligation, an obligation to protect them, and we are requesting $1 million in order to be able to fulfill that obligation.

To conclude, Mr. Chairman, I want to reiterate that there is a clear need for an additional effort by the United States to combat the serious terrorist threat directed against the new democratic governments in Central America. This threat is also directed openly against us.

The guerrillas, in a number of cases, have stated after the attack that we were the target of the attack. The nature of the violence may be changing, as is evident in El Salvador. The objectives remain the same—frustration of the democratic process and imposition of totalitarian regimes.

We are under terrorist attack in many parts of the world. We are wrestling, as Congress is wrestling, with the problem of finding appropriate responses and defenses against terrorism.

We believe that an active counterterrorism program of assistance to civilian police and the military will constitute a positive forward response, a significant contribution to a forward strategy.

With such a program, we will no longer be waiting passively for terrorist attacks. Instead, we will be working actively with our friends in taking preventive measures consistent with our democratic values and our support for democratic development in Central America.

Mr. Pell raised some questions that I am anxious to get to. I guess we can do that in the question and answer session.

I would just like to ask if my lengthier full statement could be inserted in the record.

The **Chairman**. Without objection, it will be placed in the record.

Mr. **Abrams**. Thank you.

The **Chairman**. We appreciate your testimony.

Let the Chair ask unanimous consent that the record will remain open until the close of business today so that absent members can submit questions in writing to today's witnesses, which we hope they will answer quickly so that we may complete our record.

At this time, I would like to call upon Lt. Gen. Philip Gast, who is Director of the Defense Security Assistance Agency of the Department of Defense.

General Gast, it is always good to have you with us. Would you please proceed with your testimony.

STATEMENT OF LT. GEN. PHILIP C. GAST, DIRECTOR, DEFENSE SECURITY ASSISTANCE AGENCY, DEPARTMENT OF DEFENSE

General **Gast**. Thank you very much, Mr. Chairman. I am pleased to be here working with and in support of the Department of State in justifying this program.

I should say from the beginning, that we have very much been involved in working with our colleagues at State in assessing the threat, and working to develop a program which we hope meets with congressional support.

I would like just briefly to review the threat, and since this is an open hearing, it will necessarily be unclassified. But perhaps it can add a little bit to the context of the Secretary's eloquent remarks and then get into the military portion of it. Then perhaps Ambassador Marks might want to talk some on this.

If I may proceed, I believe you have copies of the charts that I will reference before you.

[The charts referred to may be found in the appendix.]

General **Gast**. We assess the threat here as an extension of the worldwide threat to U.S. interests and democracy. The people that are prepared to carry out these terrorist actions have been trained at several locations around the world—in such places as the Soviet Union, Cuba, Libya, and other places.

There are numbers of them there in the region. It does persist. The external support is increasing. There is more of an alignment with narcoterrorist threats and there is continued Nicaraguan involvement, as has been said.

In El Salvador, we are speaking of somewhere around 8,000 combatants. That number has been reduced somewhat over the years, and we have seen the events that have occurred here [indicating]. But there is continued external training that is involved in political orientation and ideology for those people that would use terrorism to their benefit to deny us our interest in the flourishment of democracies within the region.

Those numbers are reflected in Honduras. There are numerous terrorists there, perhaps as many as 1,000 to 2,000 trained in Cuba, Nicaragua, and the Soviet Union. Terrorist incidents are increasing. We see a threat to elections and other democratic processes and, of course, as you know, there is a large United States presence there and a concentration in the rest of Central America.

In Guatemala we list similar numbers of terrorists there along with external financing and support. There are numerous incidents and they are increasing. Threats to the elections, probably during the runoff and the inauguration, indicate that threats to facilities and personnel may be targeted.

In Costa Rica we see a different picture, but one that is emerging. By the way, we look upon these as individual countries, but yet in a regional context. The transient international terrorist groups are coming across with some incidents of intimidation by Nicaragua. There is a potential threat to the 1986 elections, there are numerous U.S. targets, and, of course, there is the growing concern about the narcorelated threats. But a lot of equipment and people transfer through their country.

Panama, as you know, is politically volatile at this stage, with transient international terrorist groups, significant United States targets, and, of course, the Panama Canal, about which we are very much concerned. Those of you who have had an opportunity to go through the locks, as I have recently, would express concern and be concerned about a terrorist action in that particular area, among others.

There is a common shortfall among our friends' capabilities to protect themselves against terrorism and to take direct action, which we believe needs to be done. There is a lack of centralized control in the area of counterterrorism. That is, it is something that few people have much experience with. It takes a while to institutionalize it, to be able to handle it. There is a lack of specially trained units, poor intelligence that exists, and inadequate communications, communications for command and control, intelligence reporting, and secure communications. There is limited mobility to respond, inappropriate weapons, and lack of police professionalism.

The Secretary has indicated to you that the program is in two parts. One we call the RECAP and the other LECTAP. We always have to have these acronyms, it seems, but these are the law enforcement as well as the military sides.

This next chart indicates to you how that is broken out in the proposal before you in that it talks about the amounts of money for El Salvador, $22 million. You will see the police portion of this, $12 million, and the military support, $10 million. But when you go over to Costa Rica, you will see a larger amount for military support than police assistance. Each of these programs has been designed to the threat as we see it and as the country sees it, and also their capability and what is required to support them.

One of the questions raised by Senator Pell earlier, which I am sure must be on the minds of various committee members and staff, is why we need additional funds at this stage, given the appropriations that were made available in 1985 and the various progress within the markups, and why the late decision.

I would offer this: that in no other program has the Congress had as much visibility as in the security assistance requirements for Central America—El Salvador, Honduras, and others. We have had extensive briefings and discussions with the staff as we have developed our program. We achieved a consensus between the administration and the Congress in support of the programs there. During that evolution, we have worked very closely with our friends to do progressive and cooperative planning so as to be able to use the security assistance funds in the most effective way to deter aggression and to handle aggression in El Salvador.

Consequently, we believe that we have effectively used the funds that were made available in 1984 and 1985. They are totally committed funds. More than that, we have been working with these countries to develop a 1- or 2-year plan so that our funds would be used effectively. The moneys provided in prior years are fully committed for things other than to deal with terrorism—to deal with the internal threats or the threat from Nicaragua, or from wherever.

There is also the question of the RMTC funds that I am sure must be in some people's minds—as to why we would reprogram the Regional Military Training Center funds made available because of the discontinuance of that program, and to put them in El Salvador and in other places.

The success of our programs in security assistance, we believe and we believe Members of Congress believe, has had to do with the training of those forces. We have always devoted a heavy portion of our security assistance for individual training, which is heavily influenced by human rights training, as well as small and large unit trining. The reason we moved funds previously provided for the RMTC to Costa Rica, Honduras, and El Salvador, was simply to improve the training and the quality of the training, and we believe that that probably, in itself, has had the most concrete and most positive effect on our programs in Central America—in the behavior and the effectiveness of their armed forces.

The Secretary mentioned an organization which we believe is important, and this graphically attempts to portray that with State as the lead in this program and with other law enforcement agencies and the Defense Department playing a role in working very closely with them in this regard, and then a similar arrangement in the country team, and a similar arrangement in the host country.

Our concern will be the command and control, that there are no abuses, but yet the ability to respond quickly and to take antiterrorist moves before terrorist action is begun, or to effectively counter it if the terrorist action occurs.

The principal through here is a fairly closely controlled, highly monitored, visible program that we believe has a large chance of success. We are dedicated to it.

We mentioned earlier, the Secretary did, that we have an ad hoc group here that will work to coordinate all of our elements and support. We will work on this antiterrorist group, chaired in the State Department, and we will see to it that these funds are used for counterterrorism and not for other purposes in our security assistance program.

We have a way of quoting our letters of offer and acceptances to assure that, and we believe that by taking that approach we can measure the effectiveness of these units as they improve.

I want just briefly to explain to you the content of each program that has the military component, the one side of the coin, and explain the content of the $10 million.

I indicated earlier that one of the greatest deficiencies is in the area of command, control, and intelligence. We would help countries provide for secure communications because communications are being intercepted now by the guerrillas. Friendly forces need to have mobility, an ability to control forces, and to gain the intelligence. So improvement in that area is also needed.

We have listed four units. The units may not make sense to you, but these are their names, and we would indicate to you that the El Salvadoran Armed Forces, our Embassy, and ourselves have agreed that these units have the potential for doing the most to use the funds effectively.

The CEAT force happens to be a force that already exists. It does some counterterrorism and antiterrorism work. The PRAL force is a long-range patrol, which would go out into the region and look for terrorists. The Libertadores BN would be a backup to CEAT, and the Relampago——

Senator Pell. What do those initials mean? What is CEAT and PRAL?

General Gast. The CEAT is a counterterrorist reaction team, PRAL is a long-range team, Libertadores is a name they have given to a battallion.

Senator Pell. What do the words mean? PRAL, what does that stand for?

Mr. Abrams. CEAT stands for Cuerpo Especial Anti-Terrorista.

General Gast. And these are names that they put on their programs to describe their functions and to be reactive.

The idea of the military portion, gentlemen, is to deter and detect and take action against the training camps outside of the urban areas, but to assist the police, if necessary, in the urban areas. It addresses the threat head-on, and attempts to find the terrorists.

The units in El Salvador are doing very well, as the Secretary indicated, but they lack this particular capability, which has to be an especially trained and honed capability.

We would add these last kinds of funds to include a night capability for three helicopters that would assist these forces in locating terrorists in the event of intelligence or in actual operations against them.

Because each country has a different threat and a different requirement, we would use these kinds of funds for communications and training facilities to give a somewhat capable unit there a greater capability. In Honduras special equipment and munitions, intelligence training, and mobility are themes that run through it, as well as the airport security equipment in Honduras and in Guatemala, where again the requirement is different.

The hostage rescue unit does not exist today. The training and equipment that is required for that is shown, and secure communications and explosive ordnance team equipment and training are as shown.

To back up each of these charts is a very detailed listing of kinds of equipment that we would propose to procure and to give them the capability, of course.

In Costa Rica, they do not have a military. One should not be developed. But there is a need for them to be able to respond to the terrorist threat there. They do not have a helicopter today that can carry more than four or five people. We need the funds in order to be able to give a response team the ability to react quickly, as well as ocean patrol boat support to stop the infiltration and the trafficking of goods, as well as rural guard equipment, and vehicles for mobility.

In the area of Panama, here, again, as the Secretary said, we do not see an immediate threat but a potential threat because we see this as a spreading concern. It has brought success and we are concerned that it will spread there, and we need the capability to deal within that.

We have a command and control center, communications and training, antiterrorist unit enhancement, explosive ordnance equipment and training, and underwater enhancement to deal with the lock problem and the Panama security problem that we have there.

Sir, that completes my presentation. If there are any questions at this stage, I would be delighted to take them.

The CHAIRMAN. Thank you very much, General Gast.

Secretary Abrams, did you have a further comment?

Mr. ABRAMS. I just wanted to add one thing.

Since the general has given such a good description of the military program, I just wanted to take literally 1 minute on the civilian program, the Law Enforcement Assistance Program.

It would have four elements. Training would be right from the top down, that is, police management, internal control, internal affairs units, that kind of thing. By communications we mean radios, both the base stations and then mobil units. By mobility we would mean vehicles, which in some countries are entirely missing. Last is equipment and the maintenance of it, ranging from, I guess, weapons and ammunition at one end of the spectrum to pens, pencils, desks, and basic office equipment at the other.

Those are the four elements that fundamentally constitute the civilian side of the program.

The CHAIRMAN. Very well.

We will proceed with questions and will impose a 10-minute time limit on the first round. With the Senators who are here, we will have time, I am certain, for additional questions, as required.

Secretary Abrams, under the recently passed foreign aid legislation, police assistance to El Salvador and Honduras requires notice to the Congress that the recipient country has made signficant progress in eliminating human rights violations. Your proposal does not include this provision.

Shouldn't the proposed legislation be amended to include that stipulation?

Mr. ABRAMS. There was a notice sent up on El Salvador under the legislation that is currently in existence. But there is, under the antiterrorism program, a 30-day notice requirement, in section 574 if I remember correctly, so that though the legal authority changes, under the antiterrorism program there is still that notice that the committee would get, that the Congress would get, before we could go ahead with any program that might be authorized under this legislation.

This would not be in that sense giving us a blank check just to go ahead and engage in any of these programs once the bill were passed and funded.

The CHAIRMAN. While I am pursuing that, I would mention also the legislation that we passed this year provided that assistance for Guatemala would come only after the election was held and a civilian government took power, which would not occur until January 14 of next year. Once again, we would hope that your request would be in conformity with each of the stipulations we have made after a considerable discussion during the conference with Members of the House, which I believe Senator Pell and I recall vividly. I cannot trace precisely what you are saying as to whether this meets our foreign assistance bill, but I would hope that it would so that we would not have an additional hassle over different requirements.

Mr. ABRAMS. As it is now written it does not because the current situation creates a gap, and that is what happens between this marvelously conducted election and that inauguration. There is another election to be held and there are 2½ months to go.

We are asking here for the authority to give them some of this counterterrorism assistance in the interim. Otherwise, it is going to be that much more difficult to get to the inauguration.

So, you are correct in pointing out that disparity. It does exist.

The CHAIRMAN. I think the issue is important. I do not mean to debate it now, but my own judgment is, quite frankly, that the Guatemala situation really is dependent upon civilian government coming into power. The gist of the conference conversation started, as I recall, from no assistance whatsoever to Guatemala of any sort.

Now, during the course of the evening, it had progressed to this stipulation, that given the encouragement our Government was giving for a civilian election—and at that point in August we were not really sure that it would happen at all. But, miraculously, it has occurred, and we were there and saw it and I have affirmed it. I have confidence that they are going to move ahead.

But I think that this really does stretch your luck in a way in making this request, given the debate that has already occurred on these countries. I would ask you to take a look at the situation and see to what extent there could be conformity with existing law so that additional issue does not intrude upon what I think overall is a very important request.

Mr. ABRAMS. I realize that this is just a hearing and not a markup, but there is a compromise that comes to mind.

What would happen if you had one of these two men, Mr. Cerezo or Mr. Carpio, elected on December 8? He would then be President-elect of Guatemala. He has 6 weeks before the inauguration and he comes to us and he says I am the President-elect and I am very worried about terrorism and I would like your help, and we say well, we can't give it to you. This would put us in a position to help the President-elect deal with the preinaugural terrorism threat.

So that was the kind of thing we had in mind, that maybe there was a way of working it out.

The CHAIRMAN. I think it is an important situation and very difficult to balance the judgment on it.

I would say that as we have reviewed questions for this hearing, we find staff reports, for instance, one in my record here of December 30, 1971, in which the Senate Foreign Relations staff, talking about Guatemala and the Dominican Republic, said that after years of United States training and assistance, the Guatemalan police are widely admitted to be corrupt, commonly held to be brutal, that they clearly were engaged in the practice of torture and the violation of human rights in wholesale fashion.

This fear pervades this whole issue and I think it really has to be met head on. Senator Pell in his opening comments touched upon it and probably will want to do so again.

It is also a concern of mine.

As excited as I am about the evolution of things in Guatemala, the fact is that a number of people have been killed during this very year, 1985, in which the election is taking place.

The point that you are making is that some of them may have been victims of guerrillas, of persons who are trying to disrupt the government. The allegations down there are that some of them are victims of the Government itself, or at least that is a shared perception among many knowledgable observers.

How we are to sort all of this out and provide assistance without there being some demarcation points I am not certain.

But clearly I think that debate on this issue and the success of this particular authorization will depend upon the assurances you are able to give in a professional way that things have changed, that essentially the police in El Salvador, Honduras, Panama, and Guatemala are substantially different, to the point that we have confidence that civilians and civilian governments will be honored and protected. And that holds for American citizens, such as ourselves, a wandering American delegation. As we went outside on the streets, in tens of Guatemalan villages, there weren't any police there, there was no army there, on a Sunday, just election workers, so we were quite vulnerable. We were well aware of that. I can testify that it would be very helpful to have a good police system there so that persons like ourselves doing our business would be protected.

What assurances can you give that there has been change in police departments—of country by country—that would give confidence to this committee that if further assistance were given, we would not have brutality, torture, and a return to those things that have been widely criticized in the past?

Mr. ABRAMS. That question, which is Senator Pell's as well, is really central to all of this.

I think first we should say that we are not talking about police forces which do not commit human rights violations. We do not want to get into a situation where we say only when you have improved your performance so much that you don't need our training are you eligible for that training.

We are talking about police forces that have flaws. If they did not, we would ask them to train us.

The question is whether there has been enough of a change then to warrant our involvement. Here I would like to make an argument by analogy, and that is to the El Salvador security forces.

When this administration came to office in January of 1981, the number of people being killed in El Salvador was something like 800 a month, and the argument was made that we should have nothing to do with the El Salvadoran security forces because they were engaged in a broad pattern of human rights abuses.

Fortunately for the people of El Salvador, that argument did not win out. We got deeply engaged with the security forces of El Salvador. We strengthened them enormously in terms of their overall size and power, and we vastly improved their human rights performance.

I think that there are two things really that are responsible for that fabulous improvement. And if you look at the numbers of human rights violations that are attributable to the security forces, it is really way, way down.

There are two reasons. One of them is our professional training, which includes in it not only the general professionalization, but human rights training as well. The other is will on the part of the government to improve their performance, in this case President Duarte's government.

I would make the same analogy to the other countries in the region where, first of all, I think our involvement can be enormously helpful where either we say this situation is bad and therefore we don't want to have anything to do with it or the situation can be improved and we would like to help, we would like to get in there and work with them, and you do have governments.

This I think is a main difference between the public safety program of 15 or 20 years ago and today's program.

We have governments in the region that are committed in a country such as Guatemala, now, where a new government is coming. They are committed to the elimination of human rights abuses and to the institutionalization of democracy and committed to pushing exactly this kind of program.

I would not say, because I think it is not true, that we are dealing with police forces that are fully professionalized now and do not commit human rights abuses. But that is why we need the program.

The CHAIRMAN. Thank you very much.

Senator Pell, do you have questions for the witnesses today?

Senator PELL. Yes.

Thank you very much, Mr. Chairman.

I have a sense of deja vu here, as I can remember in 1965, while serving on this committee, that AID Administrator David Bell said at that time that it is obviously not our purpose or intent to assist a head of state who is repressive. "On the other hand, we are working in a lot of countries where the governments are controlled by people with shortcomings."

Now the difference between today and 20 years ago is that in today's Central American context, we are dealing with better governments. I would agree with you on that. On the other hand, the people within the security forces—and I thank you very much for the letter you sent us with the names of different individuals—but the people within the security forces are, generally speaking, the same ones, except those who because of age have had to get out.

My question to you is how are you going to deal with the problem within the security forces themselves?

For example, in Costa Rica, which I have always thought was supposed to be a pretty peaceful place, we are supposed to provide handcuffs, batons, revolvers, and shotguns. Well, I would question that and I would like you to be specific on it. For what reason do we need that equipment?

Also—and I am asking a lot of questions at once, but I would be very interested in your response—will there be any possibility of cattle prods and instruments of torture and things of that sort being included in these items? Is there any prohibition in that regard as to things that cannot be included?

Mr. ABRAMS. Well, first of all, I would say that the equipment that you mention as part of the program for Costa Rica is to keep it a peaceful place.

Senator PELL. Would you please pull the microphone closer.

Mr. ABRAMS. I'm sorry.

The equipment in Costa Rica is aimed in part at keeping it a peaceful place. It will not stay a peaceful place if there is not an ability, a professional ability, on the part of the police forces to have a counterterrorism program.

As President Duarte noted in the speech that I quoted, there is a little bit of a headquarters in Managua now. Terrorism is spreading throughout Central America, and the Costa Ricans, no less than others, need the ability to cope with it.

Senator PELL. Excuse me, but let me ask you this specific question. Have they requested handcuffs, batons, revolvers, and shotguns for these programs?

Mr. ABRAMS. Well, all of these programs are going to be worked out with the governments in question.

You know, these are not programs that we force upon them.

What we did was we sent a team down—I forget the month, I believe it was August—to Central America, to consult with their police and military people and our mil-group and embassy people, to come up with a list of what they thought in each case was appropriate.

Now, I want to note that while those things are in the program, the emphasis in Costa Rica, as in a number of others, is on police training rather than on that equipment. That is where most of the money is spent, on training.

But to say that a place is pretty peaceful does not mean that it does not require a police force if it is going to stay peaceful.

Senator **Pell**. But specifically, is any discussion being held with their police people saying we need handcuffs, we need batons, we need revolvers, we need shotguns?

Mr. **Abrams**. Ambassador Marks.

Ambassador **Marks**. Senator, yes; we did. We went down to these countries in August and we met with the minister of government and some of his representatives and particularly in Costa Rica, the problem is that the police forces are just woefully short of all appropriate police equipment. There were samples that we were talking about.

But I would like to emphasize that we are talking here about police equipment, which are handguns, shotguns, batons, not M-16's, not heavy equipment. We are talking about what police need to do to perform their tasks.

Senator **Pell**. Did they specifically say we would like this material as a gift from the United States?

Ambassador **Marks**. They specifically said they would like assistance in training and equipment from us. We had not yet gone to working out the exact list because we do not have authority yet to do so.

Senator **Pell**. Could cattle prods and items of that sort be included in this?

Ambassador **Marks**. No, sir.

Mr. **Abrams**. Well, items of what sort? We are not going to export torture equipment.

Senator **Pell**. I was talking about cattle prods specifically.

Would they be included or not?

Mr. **Abrams**. Well, I would say that in my view if the police of Costa Rica, with their democratic tradition, say that for crowd control purposes they would like to have 50 shot batons, as they are called in a nonagricultural context, I would personally want to give it to them. I think that that government has earned enough trust, as I think we have earned enough trust, not to be questioned, frankly, about exporting torture equipment.

But I would certainly be in favor of giving it to them if they want it.

Senator **Pell**. Well, I can remember some of these same arguments being used 20 years ago, by your predecessor's predecessor's predecessor. Unfortunately, some of the equipment was used in the wrong way and it did not work out. I think this is the concern that we have and perhaps is in part why Congress is a useful institution, because these things have a cycle to them.

Why, incidentally, do you feel that the training should be in Central America now and that there should be a waiver on the requirement that training be in the United States?

Mr. **Abrams**. It is not that we think it should be in Central America. It is that we think we should have the flexibility to do it there.

For example, training drivers, police drivers, or training radio men, the use of radio equipment varies according to the geography of the city—hilly, not hilly, that sort of thing. It may—and in those few cases, radios and driving, it probably would—be a lot cheaper to send two trainers down than it would be to bring up 50 drivers to train them in the United States.

It is mostly a financial concern, but also in areas such as radios, it is probably better to do it on the scene and see how it works out on the scene.

We do not anticipate sending a lot of Americans down to do it. We are talking about two, three, or four people as part of a program. But what we would like is the flexibility when it makes sense to do it there.

Senator **Pell**. This is very much the same argument that was used some years ago by the administration to have military training in Central America rather than, as was required before, bringing them up to the United States.

I would agree with you that the human rights abuses are much fewer, well, somewhat fewer, than they were in the past. But they are still pretty bad.

I would ask unanimous consent to insert into the record an article out of the Washington Post of October 13, 1985, where it points out that in El Salvador, they still have abuses on both sides, and that there were 173 targeted assassinations and disappearances last year, traceable to the paramilitary forces on the right. Presumably there is an equivalent number on the left.

[The information referred to follows:]

[From the Washington Post, Sept. 13, 1985]

GROUP CRITICIZES EL SALVADOR ON HUMAN RIGHTS

The human rights situation in El Salvador "remains terrible" despite 15 months of civilian rule, and violations committed by guerrillas are mounting significantly, a watchdog group reported yesterday.

Americas Watch, in its eighth report on human rights abuses in the war-torn Central American nation, accused that government of violating the laws of war and abusing human rights not directly connected with combat.

The 152-page report also cited "a resurgence in death squad activity" and reported 173 targeted assassinatons and disappearances that it said were traceable to the armed forces and paramilitary groups on the right.

Aryeh Neier, former head of the American Civil Liberties Union and vice chairman of the Americas Watch committee, said that since the group first began monitoring in El Salvador in 1982, "at no time has it been possible for us to assert that there was a general improvement in human rights. To our regret, that remains true."

The Reagan administration and others have criticized Americas Watch for concentrating primarily on human rights violations by rightist groups and neglecting those committed by leftist guerrillas. The report released yesterday, however, also accused the leftists of responsibility for "mounting abuses during the first half of 1985."

Mr. **Abrams**. It is interesting. The figures for October were just published, I think in the Washington Post today or yesterday. The interesting thing about the casualty figures for that month is that they are mostly guerrilla attacks. The La Union attack, for example, pushed the monthly statistics up rather higher.

I think there has, in fact, been a switch, and most of the deaths and casualties now are caused by guerrilla attacks, which is where we get to this counterterrorism program.

Senator **Pell**. Now, if, as occurred, the Contras attack a bus, and in that bus there are one or two soldiers and also a lot of women, children, and civilians, and they are killed, wouldn't that be a terrorist act?

Mr. **Abrams**. I am unaware of the Contras ever attacking a bus and murdering a bunch of women and children.

The Contras are a force which lives on the support of the people of Nicaragua, support which is clearly growing, and such an act, which would turn the people against them, would be an act of extraordinary foolishness as well as being immoral.

So I don't think they do it and I don't think there is any reason for them to do it.

Certainly, if you come into a cafe and there are 50 people seated in it and you spray it with machine gun bullets and you happen to kill a couple of soldiers, that is a terrorist act. But the Contras do not do that, have not done it, will not do it, because their enemy is not the people of Nicaragua. The people of Nicaragua are on their side.

Senator **Pell**. Well, I am not as informed on this as I should be, but my recollection is that there are a good many terrorist acts on the part of the Contras, and I have a list, but I am not sure enough of the source to put it in the record. But there certainly have been ample press reports showing where civilians have been hurt by the Contras and their actions. You would agree on that?

Mr. **Abrams**. Well, I certainly would agree that there have been ample press reports. As we check out some of the press reports, we find that a significant proportion of them turn out to be false and to be the product of Sandinista propaganda.

I think your point about violence coming from the far right as well as the far left is certainly well taken. My real response to that is that you need a professional police force to prevent terrorism and violence of all kinds—left, right, and criminal. That kind of violence would be taken care of by a professional police force as well.

Senator **Pell**. There I would agree with you. But my worry and concern, thinking back 20 years, is can the police force do this. You have the same people in it, in general, as were in the past when many abuses occurred.

I sympathize with your objective. The question is whether human nature will have changed that much in the police forces down there.

Mr. **Abrams**. I think, if you take a police force of 1,000, 2,000, or 5,000 people, and compare it to the composition of that force 20 years ago, you would find an enormous turnover. The average age of patrolmen in this country or any other country, including Central America, is not very high.

I would think that there actually is a large turnover. I would think you would find some people who had been involved 20 years ago mostly in the higher ranks. It is one of the reasons that we want to start at the top with training. It is at that rank that the influence of the elected president can be most important.

Here, again—I realize that the time is up, and I'm sorry—but I would go back to the case of El Salvador, where many of these arguments could be made and were made. Yet I would argue that the proof is in the pudding and that, in fact, our involvement and our training of the same security forces accused of these massive violations in 1980 and 1981 has worked.

Senator **Pell**. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Pell.

Senator Helms.

Senator HELMS. Thank you, Mr. Chairman.

Mr. Secretary, Elliott, I was delayed in coming here today, but I read your remarks. I don't know whether you delivered them in full or not, but I think it is a reasoned presentation and I commend you.

Mr. ABRAMS. Thank you.

Senator HELMS. Do I judge from what you have said here that you think the threat of terrorism in Central America is now an emergency matter?

Mr. ABRAMS. Yes; we think that it is on a steady increase and that with new—this is an election season in Central America, and you have new governments coming, in Guatemala, first, then Honduras, then Costa Rica. We think that it really is an urgent situation to increase the capability to deal with this threat.

Senator HELMS. Back in September, I wrote a letter to the President, meaning to you folks, requesting emergency aid under the then-existing appropriations which, of course, expired September 30. But you have the same level, as I understand it, pending now.

Did you see the letter?

Mr. ABRAMS. Yes, sir.

Senator HELMS. There was a meeting about it. I don't want you to go into too much detail.

Mr. ABRAMS. Oh, a bunch of meetings.

Senator HELMS. Sir?

Mr. ABRAMS. A bunch of meetings.

Senator HELMS. I guess what I am asking is why are you so long in getting here and asking for this? It was an emergency then and is an emergency now.

Mr. ABRAMS. Well, the real reason for not doing it in the right manner was, to me, the resistance we get in Congress and the resistance to using those emergency authorities to go around the authorization and appropriations process. We know that it creates resentment. We know that there is also a limited number of times that you can do it before the authority is taken away.

We thought well, how long will it take us to get up with a program and we had begun the work. The visit to Central America was completed in August, so we decided we would take the extra time on the grounds that you never know what the emergency is around the corner when you are going to want to use that authority. And we would like to maintain that authority on the books. That is really what it came down to.

Senator HELMS. So Congress was the problem?

Mr. ABRAMS. Well, I'm sorry to put it that way.

The will to do it, that is to say, to get an antiterrorism program in place, was certainly there.

Senator HELMS. If we don't wake up to smell the coffee about what is going on in Central America, we are going to be engulfed with terrorism in our own land, because this stuff floats, and it is floating northward.

Let me ask you if you think there is any relationship between this assistance that you are requesting in your statement and the legislation. Does this have anything to do with assuring the second round elections in Guatemala as well as Honduras and Costa Rica?

Mr. ABRAMS. Yes; those elections are obvious targets for guerrilla activity, just as the Salvadoran elections were—efforts to prevent people from voting, efforts to assassinate candidates, that kind of thing. I think they are logical targets.

Senator HELMS. The reason I wrote the letter in September was because I was hopeful that we might be able to implement something quickly enough to ward off the difficulties with those elections. The truth is that this money will not get there in any case before those elections.

Mr. ABRAMS. Well, we are spending some money on this. There is another reason that we felt we could accept a bit of a delay. There was some end of year MAP. I don't have the number in my head. There was a couple of million dollars with which we began the initial steps.

General GAST. If I may respond to that, Senator, let me go back to an earlier question and then address the one you have just asked.

We actually began consultations with Congress in early September, hoping to be able to have the authority and appropriations prior to the end of the fiscal year. As events unfolded, we had to reluctantly agree that it was not possible—that due to the short time period, we could not get acceptance for that, and so we deferred it into a budget amendment for 1986.

The programs on the military side—there has been some training done there, modest, but a little bit to help. Because the President has determined this to be of such urgency and he has provided the first certification, notification to the Congress for El Salvador, we are borrowing approximately $2 million from the military assistance account to begin training on the law enforcement side. We say "borrowing, 'because, as I pointed out earlier in my testimony, the amounts of money for MAP in El Salvador are committed for programs other than for counterterrorism. So we are going to begin this program as soon as the 30-day notification period is over, which is in about 3 weeks.

We cannot have the authority to begin procurement because of the way the law reads. But we will have all of that procurement process in place and an attendant 30-day notification will begin that procurement.

I believe also under the ATA Program that they are using some funds to buy a modest, small amount—funds that were appropriated this year.

I will ask the ATA to mention that, which will be complementary to their program, as well.

So there is a beginning. We are taking some risk, but the risks are certainly worth taking, that we will receive additional funds.

Senator HELMS. Has anyone inquired about President Duarte's daughter's release? All of us were delighted about that.

I just wonder what agreement, what tradeoff, what effect it had—if any—on specific agreements with the guerrillas as the negotiations were taking place. Do you have any opinions about that, or any knowledge?

Mr. ABRAMS. I'm not sure I understand the question.

Senator HELMS. Well, I did not ask it very well. That is the reason you did not understand it. I was thinking as I asked it.

Obviously there was a tradeoff between President Duarte and the guerrillas. Do you know whether this will have an adverse effect on dealing with terrorism and dealing with the activities of the guerrillas?

Mr. ABRAMS. Well, I think it is not really as much a matter of information as partly guessing and partly just waiting and seeing.

It certainly has not stopped the guerrillas from engaging in kidnappings. I think the day after President Duarte's daughter came back, they kidnapped someone else, which was clearly, in part, a symbolic act, to show that they were still in the kidnapping business.

I don't know how the FMLN reads it; that is, there was an international outcry against them, clearly labelling them as terrorists, and clearly indicating that the FDR, their political arm, is useless, that it had no influence, no part in this at all, and is just not a real institution at all.

On the positive side for the FMLN, they really "screwed up" the politics of El Salvador for 44 days, and freed a number of their guerrilla cohorts, and weakened President Duarte's position.

So the question I guess is how do they read it. If they read it that way, then we can expect to see more of this kind of kidnapping and guerrilla activity.

Senator HELMS. I thank you very much.

Mr. Chairman, I ask unanimous consent that the text of my letter of September 25 to the President be included in the record at this point, and I thank you very much.

The CHAIRMAN. Without objection, it is so ordered.

[The information referred to may be found in the appendix.]

The CHAIRMAN. Thank you very much, Senator Helms.

Let me ask the permission of Senator Kerry at this point. Normally we would go to the Democratic side. Senator Pressler and Senator Evans have been here from the beginning of the hearing. Would it be permissible to ask you to defer to them?

Senator KERRY. Absolutely, Mr. Chairman. In fact, I would welcome it.

The CHAIRMAN. I would appreciate it, if you have the time.

I will then recognize Senator Pressler, Senator Evans, and then Senator Kerry, in that order.

Senator Pressler.

Senator PRESSLER. Thank you very much, Mr. Chairman, and I thank the witnesses for their presentations this morning.

Also, while he has not yet been introduced, I want to welcome Jim Michel, who I think is one of the ablest lawyers in government. I also worked with him a number of years ago.

Let me ask these questions.

First of all, I notice that Belize was mentioned as one of the countries. I just recently met with the new Prime Minister of Belize at an event for some Belizean college students down in Arkansas.

I was not aware that there was a problem in Belize. Have there been terrorist acts there?

Mr. **Abrams**. No; we asked for the authority, but there is no program for Belize because there has not been that kind of terrorism problem.

It's just that if one were to develop, as the year goes on, we don't want to come back to get new legislation to include them in the plan.

So we want authority to put them in later if the need arises. But we have no current plan to have a counterterrorism program in Belize.

Senator **Pressler**. But you listed Belize as one of the countries. Currently, then, there is no problem there?

Mr. **Abrams**. That's right—not of this sort.

Senator **Pressler**. Then why did you put them in?

Mr. **Abrams**. Because they are there, geographically. They are adjacent to Guatemala and they are part of Central America. One of the reasons that we came back for this new legislation after you did the waiver of section 660 for Costa Rica, Honduras, and El Salvador, was to include the other countries of the region, and Belize is one of them. If we are right that terrorism is spreading throughout the area, then Belize is vulnerable to this and we want to have the authority to help them if the need does arise.

Senator **Pressler**. OK. I hope we are not starting something or triggering something. If there is not a problem there, I find it a little strange to list them in a public hearing as a place for which this program is designed. If our intelligence shows us that there is a potential problem, I guess it is well to plan ahead.

But it struck me as a bit strange to have Belize listed.

Mr. **Abrams**. It is just that it is designed for it in the sense that it is designed for Central America. So we have included in it every country, even though their situations are different in a number of ways.

If we get under way regional efforts, regional training programs and so forth, it is possible that we might invite, say, a high-ranking police administrator from every country in the region, and then we would have the authority under this to invite somebody from Belize if they wanted to send somebody.

Senator **Pressler**. You mentioned U.S. targets in your opening testimony. I suppose that the Marines who were killed are examples of military people. But are there examples of terrorism against U.S. civilians? Has this been a problem, for example?

Mr. **Abrams**. Yes; we know, for example, that in the La Union attack recently in El Salvador, first the captured FMLN guerrilla and then the FMLN itself publicly, on its radio, said that the purpose of the attack was to kill Americans.

We know that in the Zona Rosa killing in San Salvador in June, they have also said that the purpose of the attack was clearly to kill Americans.

Senator **Pressler**. That is what they have said, but what examples are there of where U.S. personnel have been attacked? Of course, there was a military example, but in terms of other personnel?

Mr. **Abrams**. Well, in the Zona Rosa attack, there were six Americans killed—four military and two civilian. The other, and this gets into the area of intelligence and reminds me to say, Senator, that if any members of the committee would like an intelligence briefing on the nature of the threat and why we think there is a threat to civilians, that is easily arranged. Because our intelligence information is that there is a targeting not only on American military personnel but on American civilians as well.

Senator **Pressler**. The situation of Duarte's daughter was mentioned, and we are all glad she was released. However, the other side to that story, I understand, is that the Duarte Government had refused to negotiate for other prisoners on other occasions, and there is a strong feeling in some quarters in that country that special treatment or special rules were used. Is that true?

Mr. **Abrams**. No; in fact, there is I guess a practice of exchanging in the case of a kidnapping like this. I think a few years ago, 4 years ago, the brother of General Vides Casanova, the Minister of Defense, was kidnapped, and a prisoner was exchanged for him.

So it has been going on for quite a while. It is not new.

Senator **Pressler**. Under the recently passed foreign aid legislation, police assistance to El Salvador and Honduras requires notice to the Congress that the recipient country has made significant progress in eliminating human rights violations.

Your proposal does not include this provision.

Shouldn't the proposed legislation be amended to include this?

Mr. **Abrams**. Well, notice is included.

Senator **Pressler**. Pardon?

Mr. **Abrams**. Notice is included——

Senator **Pressler**. Notice is included?

Mr. **Abrams** [continuing]. Under section 574, which is the antiterrorism assistance section. It begins, "Not less than 30 days before providing assistance to a foreign country under this chapter, the President shall." So, the notice requirement does not come under that legislation, but it comes under the antiterrorism assistance legislation, and as anything under the ATA requires 30-day notice to you, this would, too.

Senator **Pressler**. There must be some confusion here. In the memo the Foreign Relations Committee staff wrote, they say that this proposal does not include that provision.

Who on staff wrote that? Where did that come from?

[Pause.]

Senator **Pressler**. Now, as first conceived, the Central American antiterrorism proposal was presented as an emergency supplemental for the 1985 fiscal year. Its long-term goal, however, is institution building, as I understand it.

Do you envisage returning to Congress for much larger requests for funds for this program?

Mr. **Abrams**. No; I would not say larger requests. For example, some of this is radios or police car or office equipment that you would not then need to come back for in future years. But I would say that we would envision, I think, if the program gets under way and works, coming back in future years. This is a 1-year authority. So we would envision coming back for additional authority, probably in lesser amounts rather than in larger amounts.

Senator **Pressler**. The antiterrorism assistance program was agreed to by the administration and Congress by a process of close consultation. Congress and the administration have agreed to waiving section 660 for drug interdiction and counterterrorism assistance by taking careful steps.

Don't you put this process in jeopardy by requesting a special counterterrorism program for Central America, particularly when you include Guatemala and Panama as recipient countries? Why not request a special ATA supplemental program for the countries which already have received ATA assistance—El Salvador, Costa Rica, and Honduras?

Mr. **Abrams**. Well, for a number of reasons. First of all, you could not use the current abilities that we have under ATA. They are just not enough.

There is a worldwide figure of $350,000 for equipment, so you certainly would need more. There is a worldwide authorization, no funds yet appropriated, of $9.8 million under ATA for counterterrorism for every country in the world. Seventy are eligible, so clearly the amounts are not sufficient.

But there are some other prohibitions under ATA that indicate to us that we need this new authority.

Training in other countries is prohibited now, and we would like to have the flexibility to do some training when it is sensible in other countries. Then you get to the countries that you mentioned and Guatemala and Panama. I just do not think it is sensible to do this other than as a regional approach.

Here you have Guatemala, which certainly does have a terrorist threat and which is just in the middle now of getting a new democratically elected government. It seems to me that it is an excellent candidate for this kind of program, just as, unfortunately, it is an excellent candidate for increased terrorism.

Senator **Pressler**. In regard to that section 660 prohibition on assistance for police training, the conference report on the 1985 foreign aid bill expressed the concern that programs undertaken pursuant to that section must be carefully designed and closely monitored in order to avoid the potential for abuse that led to the enactment of the prohibition against police training in section 660 of the 1974 Foreign Assistance Act.

Given the legislative changes in the budget amendment, what in your view remains of the section 660 prohibition?

Mr. **Abrams**. Well, the main purpose of the prohibition I think was a human rights purpose.

As you are suggesting, it was to get at the question of abuses and the abuses that characterized or are said to have characterized the public safety program.

We now have the cooperation of the Human Rights Bureau in this program, as under the section 660 prohibition. We now have built into this program training on precisely these human rights and, I guess I should expand on it a bit, internal management questions, internal affairs, violations of codes of conduct and that sort of thing.

So I think that the purpose of the 660 program is still being served.

You have a 1-year authority here only. We will have to be back to you if we want to continue it. You have the requirement of 30 day notice before we actually implement any of these programs, country by country.

So I think the ability of Congress to control this is actually fairly high. What is eliminated is the absolute prohibition of 660, but not, I would argue, the purpose, which is to avoid a repetition of human rights abuses.

Senator PRESSLER. Thank you. My time has expired.

I would be very interested in receiving that briefing regarding terrorism against U.S. personnel.

The CHAIRMAN. Thank you very much, Senator Pressler.

Senator Evans.

Senator EVANS. Thank you, Mr. Chairman.

Let me ask a little bit about the distinction between what you are proposing here, particularly the military side of it, and the normal military assistance we have provided to some of these countries.

On page 10, Mr. Abrams, of your testimony, you talk about projecting extensive training and procurement for enhancing the capabilities of the Armed Forces—command and control, use of intelligence, arms interdiction, hostage rescue, night and small unit operations, expanding civil defense operations, and spare parts and sustainment.

Almost all of that sounds pretty much like what we would do through normal military assistance.

Could you be more explicit on the distinctions here, or perhaps the General could provide that information.

Mr. ABRAMS. May I ask the General to respond.

General GAST. Senator Evans, that is a very good question.

We believe that our training programs have been effective in El Salvador and other countries in meeting the direct action for insurgency. We also know from our own experience and that of the Central American countries that have set up counterterrorist and antiterrorist capabilities that there is considerable emphasis required on specialized activities to deal with the threat.

This threat is different than the normal counterinsurgency threat. It is one where we have people who have been trained abroad in order to do it. They are highly capable professionals. They plan and organize their attacks. We believe that military units who will largely deal in the rural area need to have special training, special equipment, and special command and control in order to respond to that and be able to deal with it.

I would add, though, that in the area of command, control, and communications, we do not see a totally separate system on the military side. We believe that this needs to be integrated into the law enforcement system—under a common authority, to be sure that the activities are well coordinated and not abused.

Senator EVANS. You mention the special need for this in rural areas, but, at least from my understanding, isn't that primarily, if not almost exclusively, the role of the military in the rural areas, that is, counterinsurgency and terrorism?

General GAST. Well, counterinsurgency, yes, sir; but in terrorism, we believe that there is a potential capability to disrupt those units, those insurgent units, who have that capability and who exercise it. To be able to detect, find, and interrupt or negate them requires special capabilities, over and above the counterterrorism problem and insurgency example.

Senator **Evans**. Maybe an example will help to make the distinction for me.

I understand that one of the biggest difficulties in El Salvador right now is the destabilization of the countryside by kidnaping and otherwise trying to drive the local officials out of office.

Is there really anything effective that can be done against that kind of terrorism which is isolated, quick, and terribly difficult to even counter.

General **Gast**. There are a broad range of programs which the Government of El Salvador has initiated. There is civil defense to provide for the security of villages and hopefully protect mayors and others generally from a threat. There is a counterinsurgency program that works toward that.

The balanced program we are proposing would be able to detect those units that would use terrorism perhaps against the mayors, American personnel, or Government of El Salvador officials. But what is required, we believe, is specially trained and capable units, under very close command and control. Units, that can go out and disrupt the forces before they get into the city. They would obviously be used for counterinsurgency.

We do not mean that they would stay on the offence the entire time because they would be used for both purposes. But we do see an especially trained and equipped outfit as being required.

Mr. **Abrams**. If I might jump in for a moment and give an example, take hostage rescue, for instance, which is not the absolutely customary thing for us to do in security assistance. Here is an example of where you would want, I would want, the Government of El Salvador, the military of El Salvador, to have a hostage rescue capability, to have units of the army, special units, which were trained to engage in that. You would also want the police trained in that because you might have the police doing it—for example, if someone were held in San Salvador or other large cities where the national police operate; but in the countryside, if someone were being held in a remote location, you would not do that, you would use the army. There, again, you would want that capability for special hostage rescue operations.

I think that is an example of the kind of training that is special counterterrorism training.

Senator **Evans**. When you talk about forces, however, in terrorism as opposed to insurgency, aren't the forces involved in terrorism sometimes as few as one person, or such small forces that they are almost impossible to detect or to anticipate?

Mr. **Abrams**. I think one can answer that question really in the American context as well. Sometimes police are able to thwart a crime because an alert passer-by says there is a guy walking back and forth in front of, say, the United States Embassy in Central America. We have our own security people and they will come out, and car bombs have been stopped that way. But in a place like San Salvador, where the police have no mobility and no communications, the fact that an alert shopkeeper might see such an event, see something very strange happening and call it is useless because they have no way to respond to it. So this would provide them with the capability of responding in that kind of situation, where there was one person who appeared to be doing something that might be hooking up a bomb to a car.

If somebody called it in, they could radio out and say all right, we will go over to that street and look at it.

General GAST. I would also add that in any known terrorist operation of any significance that we are aware of, there is usually a larger unit supporting that operation—a kidnaping or whatever, which is well organized, well planned, and executed. They do not take unacceptable risks anywhere in the world. They are all trained by the same people with the same ideologies.

This unit would attempt to stop them before they could execute their plan.

Mr. ABRAMS. I would give just one other example from the El Salvador case. After the President's daughter was kidnaped, as you know, there were a number of eyewitnesses there at the university. They said that she was taken away in, if I remember right, a tan or cream colored van of a certain type. I think they named the manufacturer. The Government sent up a few helicopters, two at least, to circle around San Salvador trying to look down and look for a van of that color and type. They did, in fact, note a few.

And that was the end of it because they did not have the kind of radio communications that would have permitted them to send out anybody to go intercept that van to see if she were in it.

Again, it is that kind of capability.

Senator EVANS. I think you mentioned in your answer the countries which have well-developed and the best counterterrorist activities. Which are the best, leaving ourselves aside for the moment?

General GAST. I think certainly England, the Israelis, and the Germans are in that category. We don't really hope to be able to necessarily match that kind of capability with this program because that does take a substantial amount of funds, and it does take a long time to build that capability.

Senator EVANS. Even though they have good capacity against terrorist activities, it seems to me that the most frequent terrorist activities carried out are in Israel and Germany.

General GAST. Yes, sir; that is right.

But I think also that everyone has to work against that and hope to turn it around, and this is part of it.

Senator EVANS. I am not arguing about that. These questions do not indicate an opposition on my part. It is just, I guess, the frustration that we all share and the difficulty of trying to deal with all of this.

General GAST. Yes, sir.

Senator EVANS. Mr. Abrams, could you rank or at least give me some idea of how you would view the various countries in Central America in terms of their potential destabilization through terrorism.

Which are the most vulnerable?

Mr. ABRAMS. The great threat I would say right now is to El Salvador because El Salvador has the largest, most active, most powerful guerrilla group. In large part I would say it is because of the proximity to Nicaragua, so that those guerrillas really have a base across the border and it is very difficult to succeed, as President Duarte said when he was here, in acting against them.

In terms of where there are active guerrilla groups operating, Guatemala would be next. But the difficulty that I have is I am not sure which ways to rank the threat. In terms of guerrillas operating, you would have El Salvador and then Guatemala.

Senator EVANS. Well, I was asking it particularly in regard to the potential end result. Countries may have more guerrillas operating, but are still sufficiently stable to thwart them. I am talking about the concerns over destabilization.

Mr. ABRAMS. Well, then, Costa Rica would be high on the list because they do not have the military capability that some of the others have. We are not suggesting that they get it either. But they do need an enhanced police capability.

I would also have to say you would rank Guatemala, Honduras, and Costa Rica high because they are in a period of sort of lame-duck administration, transition, new elections, that period between the election and the inauguration with a new government just getting on its feet. So it is hard. I am having a hard time answering the question.

Senator EVANS. I guess there is just one final aspect to that question.

It seems obvious that current American interests are higher or could be adversely affected more rapidly in Panama than in almost any other country in Central America. Where would you put them on the scale?

Mr. ABRAMS. Well, Panama is in here not because of the current level of threat, but for the exact reason that you cite, Senator. We have 40,000 Americans living in Panama and there is the canal. So the opportunities, if you think of something like the locks and the canal, as the General mentioned, for terrorist action against the canal or against American bases which are there, or against Americans, are very large.

We have not had such an outbreak of attacks, but the targets from a terrorist point of view are unfortunately attractive.

Senator EVANS. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Evans.

Senator Dodd, may I have your permission to proceed with Senator Kerry for his questions?

Senator DODD. Oh, absolutely, Mr. Chairman. Please do.

The CHAIRMAN. Thank you.

Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman.

Mr. Chairman, I would like to call the attention of my colleagues to the fact that former Filipino Congressman Raoul Daza is here in the hearing room. He is very involved in managing the presidential campaign in the Philippines for one of the candidates, and will be very involved in what happens there in the next months.

Forty-five of my colleagues, many of them on this panel, signed a letter to President Marcos encouraging him to not interfere with Congressman Daza's return to the Philippines, and in fact he did return and he has now come back here for a couple of months. But I would hope that my colleagues would have an opportunity to meet with him over the course of the next few days, while he is here.

Mr. Secretary, gentlemen, I guess it is fair to say that I really have not decided how I feel about this proposal at this point in time. But it also would be fair to say that I am kind of troubled by it, by a number of aspects of it, at least as I see it.

First of all, I guess what troubles me is we had this program in place before. We have kind of been through this in the past. Maybe there are variations, and maybe this proposal program is more sensitive to current understandings of what is happening in the region. But in view of the past history and the Congressional cutoff of the public safety part of the program, and notwithstanding the fact that this year, in section 660, we opened the door to certain things, I guess my first question would be this.

Why is the step that we took just recently, in August, I guess, where we have opened certain opportunities to you with respect to 660, why is that not adequate?

Mr. ABRAMS. For a number of reasons. First is because it does not cover three of the six countries in question. Second is because the amount of money available under the antiterrorism assistance program is really very low—$300,000 in equipment worldwide appropriated; $9.8 million for training worldwide with 70 countries eligible. And then there are other authorities, too, such as the ability to do training in-country rather than in the United states. But primarily it is money, it is authorities, and it is countries.

The threat is not limited to the three countries in which we are under the 660 waiver permitted to operate. For example, it excludes Guatemala, which is currently in the process of choosing a new civilian government and we think it ought to be in the program.

Senator KERRY. Well, if we expand it to cover those countries, would the authority that was already extended to you be adequate? Do you need this additional authority that is contained in this new request?

Mr. ABRAMS. Well, expanding it to more countries would be very helpful, but you then would run into the money problem.

Ten million dollars—$9.8 million—worldwide, if that is the appropriation, that is the authorization, of which $300,000 for equipment worldwide is just hopelessly inadequate for the kind of program that we are thinking of, especially if we do not, for example, the ability to train there rather than here so that the expenses are even greater.

Senator KERRY. Is there a—well, let me leave that question because my time is so short. If I have time, I will come back to it.

Between 1957 and 1974, when the public safety assistance program of 1974 was terminated by Congress, we provided El Salvador with $2 million, Guatemala with $5.583 million, Honduras with $1.7 million, Costa Rica with $1.9 million and Panama with $1.9 million, to train and equip police forces. What concrete benefits can you point to that came out of that effort?

Mr. ABRAMS. I can't give you a good answer to that question, Senator. But I have to tell you that I don't think that the answer would, in any event—well, let's assume the worst. Assume the answer is that it was not worth a plug nickel, which I don't think is correct. It is a different world. The money that may have been spent 20 years ago in El Salvador and the money that may be spent now, just to take El Salvador as an example, under President Duarte's government, fighting for human rights and democracy in El Salvador, having achieved tremendous advances in the respect for human rights on the part of the security forces already in the last 5 years, it seems to me that we deserve to have this program judged on the basis of the contemporary period, of the current Government of El Salvador, of their current human rights achievements, of our human rights achievements in the military assitance that we have been giving the Government of El Salvador. And I would make the same argument for the other countries as well.

It is not the sixties, and the experience of the Public Safety Program differs in one particularly important regard. You cannot do this without political will on the part of the governments in question. That is clear. You now have building a turn to democracy and rulers, elected presidents, who want this kind of program to help them professionalize the security forces.

Senator **Kerry**. Historically, those security forces have been involved in various abuses. What about our oversight of this program, if it is fair to say we will have any at all? What gives you confidence that those abuses simply will not open up again and we will be back here revisiting this and saying well, we should not be funding it?

Mr. **Abrams**. Well, first of all, this is just the general authority. Any individual program for a country would require, under the antiterrorism assistance law, 30-day notice so that you would have the opportunity to engage us on the design of each program for each country, country-by-country.

Second, it is a 1-year authorization, so that if it does not work, it will not be long before the program is going to end anyway.

Third, the fundamental policy of the United States in Central America is to promote the expansion of democracy.

We have in the last few years, under two Presidents, a very good record at it. If the program were heading in that direction, I don't think that the new President of Guatemala, whoever he is, or President Suazo or his replacement, or President Duarte would want anything to do with it any more than we would.

Senator **Kerry**. The CIA prepared a classified report earlier this year on right-wing terrorism in El Salvador. I notice on your current situation sheet for El Salvador, it says anti-Government forces turning to terrorism. There is nothing there with respect to right-wing terrorism. In fact, there is very little throughout this program that seems to express concerns about rightwing terrorism.

My first question would be why was that report classified and why should it not be made public and certainly be part of this debate with respect to terrorism and our response to it?

Mr. **Abrams**. I don't know the answer to that because it was a CIA report.

Senator **Kerry**. Do you think that that would be worth exploring?

Mr. **Abrams**. Yes.

Let me get you an answer for the record because I don't know what sources and methods of intelligence might be exposed.

Senator **Kerry**. Would you also be willing perhaps to consider whether or not it might not be declassified, depending on what is in it or not? It seems to me that if we are going to be here substantively trying to think about a legitimate response to the issue of terrorism in the region, if the CIA knows something about rightwing terrorism, that ought to be included in the program.

Mr. **Abrams**. It is in the program. I do not disagree with you.

If it can be declassified, I think that will be a real contribution. We will take that up with them and submit it for the record.

[The report referred to is classified.]

Senator **Kerry**. Are you familiar with the report?

Mr. **Abrams**. I read it when it came out, which is some months ago, as I recall.

Senator **Kerry**. Are there individuals referred to in that report who still hold positions of power in the Salvadoran security forces?

Mr. **Abrams**. I just do not remember.

Let me just throw in one thing which came up before, and it is that the establishment of a professionalized police force and counterterrorism capability gives you a capability against rightwing terrorists as well as leftwing terrorists.

Senator **Kerry**. If they are willing to look that way.

Mr. **Abrams**. If they are, and that is where we get to the question of political will and who is the President and who is in charge.

Senator **Kerry**. Both Arturo Cruz and Alfonso Robelo have expressed their frustration that Contras who have engaged in terrorism against the general citizenry within Nicaragua have not been brought to justice and probably will never be. How would you respond to their public concerns, particularly in view of our funding of the Contras? Is that something that you see this addressing also?

Mr. **Abrams**. This program does not address that. This program is designed to establish institutions in the six countries in question, although we have no current program in Belize, institutions military and civilian that can deal with the terrorist threat.

I have discussed that problem with Mr. Cruz and Mr. Robelo several times and as recently as about 2 weeks ago. We want to work with them to establish some way of measuring human rights abuses, detecting human rights abuses, and punishing human rights abuses on the part of the opposition forces in Nicaragua, the FDN and the other elements of it.

It is difficult to do, in part because, unlike, say, El Salvador, where we, the United States, were present in the country, and the Embassy could go out and investigate all of this stuff, it is a lot harder in Nicaragua where, though we are there, we are there with a lot fewer people and we are not permitted to go into the zones in which combat is taking place.

So it is more difficult and it is difficult for the civilian leaders.

But there is no question, I think. It is not credible that in a guerrilla conflict such as this there are not human rights abuses taking place. One has to assume that they are.

So, the question is how do we cope with that. We are going to try to work with them on it.

I would say, though, that we also have another problem. I am always told that I should not say this, but I am going to say it anyway.

One of the ways that we got the Salvadoran security forces to eliminate such human rights abuses as there were was by working closely with them, something we are not permitted to do with the opposition forces in Nicaragua.

Senator KERRY. My time is up, and I thank you for that.

I would like to ask simply if I could have a followup and a couple of questions in writing, Mr. Chairman, with the answers to be put into the record.

The CHAIRMAN. Yes.

Senator KERRY. Let me say to you that I share your concern and I think we would have to be blind to not recognize increasing terrorist activities in a number of countries. To say that it is not going on would be stupid. But it is a question of what kind of response we fashion and how far we go in it. That really is where I have some concerns, and I would love to work with you on it.

Thank you, Mr. CHAIRMAN.

The CHAIRMAN. Senator Murkowski, if I may have your permission, I would like to recognize Senator Dodd. I had asked him to stand aside momentarily for Senator Kerry.

Senator MURKOWSKI. I have just one question.

Senator DODD. Oh, then go ahead, Frank.

Senator MURKOWSKI. All right. I will take advantage of your kind offer, Senator.

I am curious to know if you have any forecasts on what we can expect with regard to the advance of urban terrorism, specifically in the case of Mexico, which seems to me to be very vulnerable for many reasons.

Mr. ABRAMS. I cannot really answer that.

Senator MURKOWSKI. Can you give us an assessment based on your examination or those of your colleagues as far as what the risk is?

Mr. ABRAMS. There has not been that kind of activity in Mexico for quite a while—not criminal activity, but sort of politically motivated——

Senator MURKOWSKI. Well, let me refresh your memory a bit. What I am referring to is an aftermath of the recent 12 agents, Mexican agents, who were killed in the drug situation down there the other day——

Mr. ABRAMS. Twenty-one agents.

Senator MURKOWSKI [continuing]. And if the two are not connected, it would seem that the potential for violence associated with general terrorism, that the seeds are perhaps already growing.

Mr. ABRAMS. There is a difference I think in that in the Mexican case, what we tend to be seeing is exactly as you say, the drug connection, rather than politically or ideologically motivated terrorism.

One of the differences is the targeting. The targeting seems to be in the drug cases against law enforcement officials, including American officials, rather than generalized terrorism of the car bomb variety.

Senator MURKOWSKI. So you do not see any political organizational exposure in Mexico?

Mr. ABRAMS. Not at this time.

Senator **Murkowski**. Thank you, Mr. Chairman, and thank you, Senator Dodd, for yielding.

The **Chairman**. Thank you, Senator Murkowski.

Senator Dodd.

Senator **Dodd**. Thank you, Mr. Chairman.

My apologies to the witnesses and to the committee for being a little late this morning.

I have not had a chance to see you in person, Mr. Secretary. Congratulations on your promotion.

Mr. **Abrams**. Same salary, Senator.

Senator **Dodd**. Well, I presume it is a promotion, to be moved into this quagmire.

Let me tell you at the outset that I was struck this morning, as I went over the material for the hearing, by the quote that says whoever fails to learn the lessons of history is doomed to repeat the mistakes of the past, or words to that effect.

What concerns me here with this request for the supplemental funds, is the fact that we have gone through this earlier, where we made substantial modifications—I think you would agree to that—in the 660 restrictions only a few short months ago, that we really are failing, it seems to me, to be candid about what the major sources of terrorism have been in this region of the world.

Certainly the left is not immune to committing terrorist acts. But we do not provide them with training or assistance.

What we are looking at here is a group of people to whom we have historically provided training. This is not a new request. We have a long-standing relationship with police forces in the region, and the history of those forces is not a particularly good one.

If you go back and look at Guatemala, we see that prior to cutting off funds, the United States provided them with training, assistance, and the like for 17 years. I think by anyone's estimation, including that of the administration, the very people we trained committed some of the most violent acts of terrorism in that country.

The same goes for El Salvador. If you read the 1972 reports, which I have here, AID gave a rather glowing report to this committee on how well things were going in El Salvador. Then, in April of that same year we learned of what happened to Jose Napoleon Duarte at the hands of the very people we had trained in that country, it was rather brutal.

You can look at all the countries of that region and find the same thing, but I mention those two in particular. It seems to me that in our efforts to fight terrorism, we are neglecting to admit the fact that a major source of terrorism in this part of the world is the very people that we may be providing additional assistance to.

That has been the history of it, at any rate.

Now I know that this is not the administration's intention, but it seems to me we ought to be taking a longer, harder, and closer look at the record of the people we would be providing with some $54 million in assistance, especially when the record has been such a bleak one.

Let me begin with a question since you now have a general drift of where I am coming from.

What assurance can you provide this committee or the Congress of the United States that changes will occur? What has changed, say, in Guatemala or El Salvador to warrant this additional assistance. I think Jose Napoleon Duarte has done a very good job, but this is not necessarily because we have provided the police with more equipment.

I am reminded of President Alfonsin. After he was elected President of Argentina, there was an effort to provide him with a substantial amount of military assistance. I recall very vividly what he said. He said, "Who asked for it? I'm trying to change things down here and you are not helping me by providing equipment to the very people that I am fighting."

I wonder if you would enlighten the committee as to why you believe that all of a sudden there has been a remarkable metamorphosis in Guatemala and El Salvador which would require that we change from our program of last spring?

Mr. ABRAMS. Well, Senator, it is not sudden. It is a change that has taken 5 or 10 years to come about. The change is I think manifest in something you just said.

Not so many years ago, Napoleon Duarte was being tortured—I think that is a fair word—by the security forces in El Salvador. Now he commands them and would be in charge of this program as the head of the police and the military forces, the civilian and military security forces in El Salvador.

Roughly 3 years ago, when I was Assistant Secretary for Human Rights, I remember being visited in my office by a guy who was on the run. His life was in danger. He was a refugee, and his name was Venicio Sorreso, and he might be the next president of Guatemala.

Things are changing in Central America, and we do take some of the credit because the work that we have done with the security forces in El Salvador has been successful. The amount of human rights abuses, however you measure them, on the part of the security forces in El Salvador has clearly decreased fantastically over the past, say, five years.

There are governments there for the most part—though Costa Rica is a different situation because it has been democratic throughout—that are coming out of periods of military dictatorship. Most recently is Guatemala, which is just beginning to emerge now. They are moving into the election of civilian presidents. This is just a very different Central America than the one in which the public safety program was implemented.

It is a very different South America, too, of course, as you mentioned the case of Argentina.

Now, what guarantees that even if that is true, when you get to the security forces, they will behave better just because there is a civilian elected president? First is the political will of that president to insist on appointing people who are good, on having those people work with us and get this kind of training. I would say the whole political culture of the country changes.

It does not change over night, but it can change. I think El Salvador is the best example of how it can change.

They need a counterterrorism capability. I think we would agree on that. I would certainly agree with Senator Kerry on that, that it is clear there is a problem, a terrorism problem. If they do not get it from us, they are not going to get it, and we are the best suited to give it to them, partly because we have done it before and we know how to do it, and partly because, as the case of El Salvador I think indicates, we can do it and improve the human rights performance. Again, El Salvador is the best example.

We have tremendously strengthened the security forces and we have strengthened the democratic institutions of the country simultaneously.

Senator Dodd. Well, let's just take a look at that for a moment.

Can you tell me how many members of the security forces in El Salvador or Guatemala have been convicted for the atrocities they committed?

Mr. Abrams. Convicted in a civilian court of justice or a court of justice? There may be a handful. But the answer is almost none.

That is why we have the administration of justice program, to try to get them——

Senator Dodd. Look, I am not trying to be argumentative with you. It's just that I do not understand why we are all of a sudden changing this program when there is little or no evidence to suggest that there has been any fundamental change.

Mr. Abrams. Well, the behavior of the security forces in El Salvador, it seems to me, is the best evidence possible. It is not the formal establishment of a system of courts martial, but rather what is the level of human rights abuses being committed by those security forces now that they have gone through several years, many of them, of American training and professionalization, at the level of the leadership and in many cases at the level of the troops.

I think in that case you can say that the proof is in the pudding.

Senator Dodd. Why not just continue what we have been doing, then? Why do you need to change the law?

Mr. Abrams. Well, there are several parts to this. There is the military side and the civilian side, and then you get into the question of 660 and why not continue under 660.

Senator Dodd. Yes.

Mr. Abrams. We do not think that the long-range answer to the problem of law enforcement administration of justice in Central America or anywhere else is the military, any more than it is here.

To strengthen democracy in those countries, we should be in the long run strengthening civilian control institutions, police forces. That is part of it. That is why we don't want to continue it just as a military program.

Why not do it under the current 660 waiver, the antiterrorism program?

Senator Dodd. Why?

Mr. Abrams. First of all, in terms of money, it is much too small. That is a worldwide program of $10 million. This is a Central American program of five times that. The ATA program does not include the six countries. It only includes three right now, and it does not have a variety of other, smaller items in it, such as the ability to train there in country which, in elements of this program, can be quite important and save a lot of money.

So you have a threat. We sent a team down there to try to come up with a program that would meet it. I can understand and I agree in a sense with the argument that we were once burnt by this, and once burnt, twice shy. But, on the other hand, let us not be prisoners of the history. This is a different era, it is a different attitude toward human rights on the part of the U.S. Government. It is much more a part of all of these training programs than it was twenty years ago.

It is a much different political leadership group, civilian leadership group, in these countries, and we ought to be able to respond to the new threats and to the new governments down there.

It is President Duarte, after all, who has the right to say yes or no to this program.

Senator Dodd. Again, I am not just talking about the quantities of money. We are talking about something significantly more important than quantities of money. We are talking about the kind of training this program will provide, as well or where the training will be conducted, and so forth.

Arguably, things may have improved due to some of the restrictions imposed last spring. In fact, I think President Duarte has indicated as much in conversations with many of us. He has said that had it not been for some of those and other restrictions, which he used as a means of control over those individuals who were engaged in that kind of behavior, he is not sure whether he would have been successful.

It seems to me that if it is working, why are we, all of a sudden, going to dramatically change it and jeopardize the successes that you have talked about?

Mr. Abrams. Well, we all have Duarte quotes now to use to support our positions. But President Duarte in his speech here did note that there is an increased terrorist threat. That is another change from, say, even five years ago.

That is one reason for doing an additional program. The level of threat, certainly in the case of El Salvador, seems to be rising.

The other part of it is, again, that we could do a military, an exclusively military, program, but we do not think it is right. We have an administration of justice program to try to build up the civilian court systems in Central America, and we want this program, the civilian half of it, to help build up; while the military side is dealing with the counterterrorism problem right now, we want to start building up civilian institutions for the future.

We do not want a civilian president to have to rely on the army whenever there is a danger to public order and to justice in the country.

Senator Dodd. Again, I am not arguing that we ought not to put an emphasis on building civilian structures. But this program would do substantially more than that.

Why is it, by the way, that no request for funds was made to the House in July, during their consideration of the bill? I presume this is something you have been thinking about for some time.

Mr. Abrams. We did this, we started, I guess, in an organized fashion after the Zona Rosa killings in June.

Senator Dodd. Well, why then? AID officials have been executed down there, four church women were executed down there. But all of a sudden it is the Zona Rosa case. It sounds to me like you are using the recent public concern over terrorism as a way of securing yet more funds for your programs. And now, every time you come to us with a request for money, it will be to deal with terrorism. Using what happened with the Achille Lauro, the TWA flight and the Zona Rosa cases as reason.

The truth is, though, that there has been terrorism down there for a long time. Why weren't we doing this before?

Mr. ABRAMS. We have growing terrorism.

I think you could certainly argue that we should have been in a position to send this up sooner, and I think I would agree with you. But all I could ask is two things. One is that we agree that terrorism around the world—not just in Central America, but around the world—has grown as a problem in the last few years. Second, I would just urge you to judge the program on its merits rather than on the timing of our submission of it. We did not get it ready. By the time we got the team down to Central America to ask questions and to see about putting the program together, it was August, and it was shortly after that that we began to put it together.

I remember saying to Mr. Barnes on the House side probably in August that we were thinking along these lines but just did not have anything together yet. Then ultimately we got it up here.

Senator DODD. You mentioned the police and the military. Is there any real distinction between the two in terms of training and so forth? Would we be training the police and the military simultaneously? Or are there going to be two distinct programs?

Mr. ABRAMS. It is really distinct, just as one could say the military program now is distinct from the anti-terrorism program that State runs.

We will be, at State, in charge of the civilian side, and DOD, essentially, will be leading on the military side. The kinds of activities are frequently similar. For example, there are hostage rescue operations or defusing a bomb. That kind of training is similar. But other parts of it, for example, administration of a police force, is different from having an army.

In the case of El Salvador, they have just set up a police training institute, a sort of police college, in an effort to start building a new career path that is police-only, rather than having people go back and forth to the military.

Let me ask Jim Michel to add to that.

Mr. MICHEL. To be clear on this, Senator, there will be at first in some of these countries, where the police are within the Ministry of Defense, some of the initial training for El Salvador may well be under the Military Assistance Program, teaching some basic skills which they need to have because they have military functions as well as police. As this Law Enforcement Counter-Terrorism Assistance Program begins to take hold, that will move in and replace the military dimension of the training and help to build these institutions of a police professionalism and move away from the military aspect of the capabilities of these security forces.

But, at the outset, there is, within the organizational structure in El Salvador, an overlap, and there will undoubtedly be some overlap in these programs. But the idea is to phase down the military and phase in the civilian training for the police elements of the security forces.

Senator DODD. Thank you, Mr. Chairman.

My time has expired.

The CHAIRMAN. Thank you, Senator Dodd.

Senator Pell.

Senator PELL. Thank you very much, Mr. Chairman.

I have one specific question and then a more general one.

Specifically, in connection with the witness protection program—I think there are a million dollars allocated to that—wouldn't it be better if that money were spent on a judge protection program? Is there such a program for the protection of judges?

Mr. MICHEL. This is something a little different, Senator Pell.

Within each country—and the only place where we now have a judicial protection unit is in El Salvador—this will be a subject for discussion with other countries as well under legislation that Congress enacted earlier this year. This also can be dealt with under the antiterrorism assistance program. When we, the U.S. Government, ask someone for their assistance, to come forward publicly and incur a risk of personal safety, to cooperate with us in some counterterrorism matter, that is what this fund is for. What prompted this is occasions where people cross an international boundary. Someone from country A is requested by the United States to give testimony in country B. They go back to country A to reside. But country A has no special interest in giving them extraordinary protection, but we have incurred a moral obligation. This would allow us to do this.

Also, people who are U.S. citizens who would come forward publicly and give evidence in a matter in a foreign country and then come back to the United States and perhaps face a terrorist threat in the United States because of what they did at our request abroad—it does not quite fit any nice niche in the authorities of the Justice Department, the Marshall's Service or anything like that. We have had that and we have had to try to improvise ways to assure that we could meet our moral commitment.

This would give us a fund that would assure that we would have the ability to protect those who have taken risks at our request.

Senator PELL. Thank you. Now, in a more general vein, there is no question in my mind that you, Mr. Abrams, have done a wonderful job in human rights and are yourself dedicated to their enlargement and preservation. But this program bothers me. I don't quite understand why there is any great necessity for speed on it. I don't see where the great difference is between this and the public safety program we enacted in 1957 and we "unenacted 'in 1974, with section 660. In that program, as you know better than I, at that time we found 40,000 people in El Salvador killed mainly by right-wing abuses, many of them by police and army units who had received their training under the original public safety program.

I cannot get through my mind why we feel that this one is going to be different. You have already answered Senator Dodd to the effect that the times are different and the characters are different. I agree with you in part. It is 20 years later, or 15 years later, and people have died and new ones have come along. But the general psyche—if you want to put it in that way—of life in that part of the world has not particularly changed. I need a little more reassurance, a little more time to think out as to why you feel this program will not suffer the same pitfalls.

Mr. ABRAMS. I guess where I would disagree, Senator, is I think there has been a substantial change in the political culture of Central America, when countries such as Honduras, Guatemala, and El Salvador throw out military dictatorships and elect people who are obviously committed to democracy and reform.

It is not just the fact of their election, but the fact of there being an election, of there being a campaign, of such a person being in charge, and all that this means. Add to that our own policy which, certainly for the past 10 years roughly, has changed on the human rights question and is clearly pressing them in a way that was never as true historically.

The question that one asks about Latin America here is while there have been lots of movements of the pendulum, is this going to be another, where you have a period of democracy in 5 or 10 countries and then it is going to swing back, and 5 years from now we will see the military returning to power?

Obviously we hope the answer to that is no, and there are a variety of ways that one should attempt to protect those democracies.

Economic assistance is one example. The administration of justice program is another example, as is this program, we would say. This is because now there are people left and right, although the threat is not growing on the right—the threat is growing on the left and diminishing on the right—there are people who are desperately determined to destroy democracy before it takes root in this area.

This program would give those newly elected, and in some cases not so newly elected, such as Costa Rica, those elected governments the opportunity to protect themselves from terrorism. The people of those countries want to have governments that are capable of protecting them, and the creation of chaos and disorder and the obstruction of the government's ability to govern is clearly an objective of the terrorists.

Again, one of the key differences here is that we are doing this to protect democracy. We are doing it with democratic presidents in office who have the ability to say I want that program or I don't want it.

President Duarte, for example, has clearly indicated that he thinks terrorism is an enormous threat to the survival of democracy in El Salvador, and he wants it.

In a way, I guess I would say that there is an even better judge of the utility of this program and its human rights impact than any of us in this room, and it is people, such as he, who have fought and risked their lives for democracy in the area.

He wants it.

General GAST. I would add, Senator Pell, that General Blandon, the Chief of the General Staff in El Salvador, has been pressing for us to make MAP moneys available for their police training on their side and a willingness to risk some of the funds that he needs to meet the counterinsurgency in the field.

So the military is in full support of this program and has been talking with us for 2 or 3 months in order to divert some funds to this desperately needed program.

Senator PELL. Thank you very much.

The CHAIRMAN. Thank you, Senator Pell.

Senator Dodd, do you have additional questions?

Senator Dodd. Yes, I have one more. I was looking down the list of proposed expenditures. Item "L," the very last one, says "public relations-internal investigations," 10 senior officers, 10 days in the United States. What is that?

Mr. Abrams. Well, internal investigations is the ability of the police to police themselves. Any decent police force has to have an internal affairs bureau, has to have procedures for detecting, investigating, and punishing abuses by members of the police force itself. That is what most of that money is for.

Senator Dodd. Was that public relations as well?

Mr. Abrams. Public relations I guess means——

Mr. Michel. Community relations.

Mr. Abrams. Go ahead, Jim.

Mr. Michel. Community relations. Every police department has to be concerned about its relationship with the community within which it operates.

Senator Dodd. I do not disagree with that. I just think that mixing the two together is a little odd. I can understand having a public relations effort and an internal investigations effort, but I am curious as to why you have the 10 senior officers in charge of both.

Mr. Abrams. Oh, you are thinking about the slick brochures.

Ambassador Marks. If I might, Senator, that is the way most American police departments do it. They consider the question of relations with the community interactions, what their officers are doing, and what their officers do relates to how they are viewed by the public. Most American police departments combine those two.

Senator Dodd. Thank you.

Mr. Chairman, is there any chance we would have an opportunity to have an extra morning on this at all, before we mark it up?

The Chairman. Yes.

At the beginning of the hearing, the Chair and the ranking member discussed the situation. Senator Pell asked for an additional day of hearings and I said I would attempt to arrange one, probably this week. So we will attempt to do that with the benefit of majority and minority staff, to find public witnesses who may have different points of view so that we can have a fuller record.

Senator Dodd. It might be helpful, too, I think, if some of the questions can be submitted in writing.

I have one question which I will ask orally now but will submit in writing later. I am curious as to where the people we trained in these earlier programs are. Those programs had many of the same goals as the one you are now proposing, although, I agree that today's terrorism is a bit different. Are any of these people in a senior capacity? How did that training affect them, and so forth? I cannot really ask you that.

Mr. Abrams. Senator Pell asked us that question already.

Senator Dodd. Oh?

Senator Pell. Mr. Chairman, if I may, they were very responsive with a letter tracing some of these people and showing where they are.

Senator Dodd. Very good.

Senator Pell. I would be glad to make that available.

If Senator Dodd has more questions, we will send them to you.

The CHAIRMAN. Thank you very much, Senator Dodd.

Gentlemen, we very much appreciate your coming and your responses. We ask you to promptly respond to written questions from members of the committee. We have left the hearing record open today to do that.

The Chair would indicate that an additional request has come from the staff of Senator Zorinsky, who is, unfortunately, hospitalized presently. The Chair will try to entertain a reasonable time for Senator Zorinsky to raise questions likewise so that the record might be complete before we go to markup.

Thank you very much.

[Whereupon, at 12:29 p.m., the hearing was adjourned, subject to the call of the Chair.]

ADMINISTRATION PROPOSAL FOR COUNTER-TERRORISM ASSISTANCE FOR CENTRAL AMERICA

TUESDAY, NOVEMBER 19, 1985

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 9:31 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Daniel J. Evans presiding.

Present: Senators Lugar, Kassebaum, Pressler, Evans, Pell, Sarbanes, Cranston, Dodd, and Kerry.

Senator EVANS. Today's hearing on the administration's request for funds for a special antiterrorist assistance program for Central America is being held to address the concerns of members on both sides of the aisle and to examine this proposal in greater depth.

Yesterday, the committee had the benefit of receiving a briefing and testimony in closed session from administration officials on the terrorist and insurgent threat in the region.

Questions remain over the design of the administration's program as well as the pitfalls associated with an ambitious program to professionalize police forces abroad, especially in the Central American context.

We are pleased to welcome both public and administration witnesses. Elliott Abrams had agreed to return to the hearing room this morning, but has been summoned to the summit in Geneva, along with all of the other regional Assistant Secretaries of State. In his stead, we are pleased to have James Michel, principal Deputy Assistant Secretary of State for Inter-American Affairs who, because of a pressing engagement at the White House, will testify first.

We will then hear from two public witnesses on recent human rights developments in the region: Dr. Robert Goldman of the American University School of Law, appearing on behalf of Americas Watch, and Nina Shea, program director of the International League for Human Rights.

Our last panel will include testimony from Pat Holt, former staff director of this committee, who was closely involved with the legislative effort to end the old public safety program administered by the Agency for International Development, and Dr. Luis Aguilar, of Georgetown University, a well-known historian and expert on Latin America.

In addition, the committee will be pleased to hear from one of the foremost police professionals in the world, Patrick Murphy, former commissioner of police in New York City and past president of the Police Foundation, who will answer committee questions on what a police training program should entail.

With that, I would turn to the ranking member, Senator Pell, for his comments.

Senator **Pell**. Thank you very much, Mr. Chairman. Chairman Lugar has our appreciation for helping to arrange this second hearing on the administration's Central American counterterrorism proposal.

At today's hearing, we will have the opportunity to question the administration further and have the benefit of testimony from distinguished public panelists. I think both Democrats and Republicans alike have expressed concern about how this proposal for $54 million in assistance to the military and police forces will work out in actual practice.

I guess here it would be appropriate to recall the words of Santayana: "Those who forget the lessons of history are condemned to repeat them."

I recall the lack of success, of the previous police training program, which started in the late 1950's and went on until the early 1970's. I served on this committee for more than two-thirds of that time, and do not recall any great benefits from that program in the course of those years.

In this regard, I would hope that the questions that we had planned to be asked of Mr. Abrams will be asked of Mr. Michel, and hope, too, that some specific examples might be given by Mr. Michel in his testimony, where he might be able to give us a specific instance of where the police program of the sixties helped us achieve its good objectives, and what the fallout has been from it.

I have expressed my concern in the past at the apparent willingness of the administration to supply instruments such as cattle prods and things of that sort if they were requested, and I would hope that this also would be rebutted in this hearing. I would hope, if not, that we could at least add report language indicating that instruments of that type would not be used under this program.

Thank you.

Senator **Evans**. Thank you, Senator Pell.

Senator Pressler.

Senator **Pressler**. Mr. Chairman, I have to leave at 10 to chair another hearing, but I shall be reading very closely the witnesses' testimonies.

I very much want to support the administration at every opportunity because I believe strongly that the President must lead in foreign policy. On the other hand, I am looking for a definition of exactly how this differs from money we have already appropriated. We have already appropriated funds that we thought were enough, or were at least adequate in the coming year for that region.

I am one of those who voted for money to give to the CIA to distribute. Of course, that was a different program. But I am having a little trouble distinguishing between some of these programs and wonder if this is not perhaps just an overlap of funding previously authorized.

The strength of the local police is very important. On the other hand, the most opportunities for abuses exist at that level, because they are not supervised as much and we would be held responsible in the region for abuses. This may make it a counterproductive thing in terms of public relations and the image we leave there.

But I thank you, and if I leave in about 20 minutes, I do apologize. I have to chair a hearing in the Commerce Committee.

Senator Evans. Thank you.

Now we will turn to our witnesses.

We will hear first from Mr. James Michel, Deputy Assistant Secretary of State for Inter-American Affairs.

Mr. Michel.

STATEMENT OF JAMES MICHEL, DEPUTY ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, ACCOMPANIED BY AMBASSADOR ED MARKS, FORMERLY WITH THE OFFICE OF COMBATTING TERRORISM, DEPARTMENT OF STATE

Mr. Michel. Thank you, Mr. Chairman.

The formal statement of administration position on behalf of the proposed legislation was made by Assistant Secretary Abrams in testimony before this committee on November 5.

This morning, I would propose not to provide further formal statement, but to review briefly the elements of the program, seek to respond to some of the questions that have arisen in the previous deliberations of the committee, and then Ambassador Marks and I would be available to respond to further questions that you might have this morning.

Senator Evans. That's fine.

Mr. Michel. The elements of the request, Mr. Chairman, as you know, include a total of $54 million, of which about one-half is a request for additional military assistance to strengthen the counter-terrorism capabilities of the armed forces of the countries in Central America.

The other half is for a program of law enforcement counter-terrorism assistance, to be managed under the Anti-Terrorism Assistance Chapter of the Foreign Assistance Act.

There is, in addition, a $1 million request for a special fund that could be used to protect individuals who come forward and expose themselves to some risk because the United States has requestesd their cooperation in counter-terrorism matters.

The rationale for this program is that there is a serious, urgent, and growing threat of terrorism, that this threat extends to U.S. personnel in Central America, and that it extends also to the individuals and the institutions that we are supporting, the local governments and the subsidiary individuals and organizations that are seeking to consolidate democracy in this near-by part of the world.

There is, on the part of the local authorities, a lack of capability to respond adequately to this urgent and growing threat. The military establishments, particularly in El Salvador, where you have had an active insurgency, have improved their performance remarkably over recent years. While they deserve the bulk of the credit for that improvement, I believe that we, too, can share some credit because of the quality of the assistance we have provided. They have had the political will to improve the performance of their military, and I think this gets to Senator Pressler's question.

They have had the political will to improve the performance of the military on human rights grounds, among others, and we have provided resources and skills in training that they have been able to use to produce a more effective military establishment.

The response to that has been to shift tactics and to attack the government where it is weaker, namely a deliberate tactic of urban terrorism, which is now a public policy of the guerrillas. That is what they tell reporters from the Washington Post who interview them.

Given that lack of capability and given the fact that there really is no alternative to the local authorities for dealing with this criminal conduct in these countries, we believe that, as in the case of the military, it is possible to work with the armed forces and with the security forces in Central America to enhance the professionalism of those forces so that they will be able to provide an effective deterrent and an effective ability to apprehend terrorists and diminish this threat to democracy and to our own people in Central America.

Now, a number of issues have been raised about this program. One is how is it different from the ongoing programs of security assistance that we have had for a number of years in Central America.

Here I think one significant difference is that until recently, section 660 of the Foreign Assistance Act has prohibited assistance to law enforcement.

This meant that if the security forces were to receive military assistance, it was necessary that those forces who benefitted from our assistance stop performing their police functions for at least 2 years after receiving U.S. assistance. They would have to limit themselves exclusively to military functions.

These are forces that have a combined law enforcement and military set of responsibilities. If we were to train more of the security forces and give them more military assistance, the result would be we would be taking more peolpe out of law enforcement, and at a time when more and better law enforcement is needed, this would not be a productive way to proceed.

The security forces, therefore, have received very little in the way of assistance from the United States and none for the purpose of their law enforcement responsibilities since 1974.

So, this program is intended to address those specific kinds of weaknesses in the skills of collecting information about the terrorist threat, providing an effective patrol network that can observe what is going on in the cities and anticipate and apprehend the terrorists before they strike, and can respond to incidents rapidly when they occur, and respond in a humane and professional way.

That need exists. It is not being met by any existing programs.

With respect to the military programs, it is true that we have done, in 1985, some training and provided some assistance in military skills related to counterterrorism. But these efforts have been quite limited. The primary emphasis of our military assistance programs have been on the conventional functioning of the armed forces.

If we are to ask the countries of Central America to work with us in an antiterrorism effort and at the same time we tell them that they must curtail their acquisitions of training and equipment that they need for their conventional military capability, I think it complicates the effort to have an effective program and it threatens to create new weaknesses in the force structures of these countries that would then be subject to further exploitation by the guerrillas, who could simply change tactics once again.

The question has been raised why now? Why are we here rather than waiting until next spring, when we present the administration's legislative program and the budget for 1987?

I think I can only admit that we are here late. I would not acknowledge that we are here early. We have had intelligence since early this year of this tactic on the part of the guerrillas in El Salvador. We have had intelligence that this is not isolated to El Salvador, but that similar plans for use of terrorism have been formulated with respect to other Central American countries.

We have looked at that intelligence. We have looked at our passive security measures within our embassies, and sought to tighten up the rules under which our people operate, tried to improve our physical capacity. But, as the murders in June in San Salvador demonstrated, people do not live behind walls. They do go outside the embassy, and when they do, they must rely on local authorities for protection.

The program that is before you is the program that we formulated after that tragedy in July and August, and consulted with the Congress on during September.

The President then submitted, on September 25, a request for a budget amendment for fiscal year 1986, and the enactment of authorizing legislation.

I can only say it is not too early, and we hope that the committee will act on this promptly so that it will not be too late.

The question of have we learned the lessons of history or are we repeating them is a serious one, and we take that question very seriously, Senator Pell.

We believe that we have learned some lessons of history. Among these is that the first essential step in deciding whether this is a way in which U.S. assistance can produce positive results is to ascertain whether the political environment is one in which the leadership of the nation assisted wants to have protection of human rights, wants to have security provided through humane policies, wants to build democratic institutions.

We think that essential political will is found in Central America. I know that Guatemala has been a question for some members because the transition to an elected government has not yet occurred. We have a high degree of confidence, however, that that transition will occur. The first round of the elections that Senator Lugar observed was conducted in a climate that suggested a genuine desire for our movement from the military government to an elected government, and we fully expect that an elected government will take office on the 14th of January.

We would like to have the ability through this legislation to begin to work with the elected officials in Guatemala because we think that they will have the political will to bring about the kinds of improved performance and the kinds of concern for human rights that give us a common basis for proceeding.

I think that is a difference from the program that was terminated in 1974, at a time when we were seeing transition away from democratic governments in the region. We are now seeing a transition to democratic governments, and we are seeking to support that process.

Second, the manner in which these new programs will be operated will take into account some lessons that we have learned from the past.

We will not have a separate technical advisor for public security who operates at the margins of the embassy presence and has a great deal of individual discretion. We will have a management structure that relies upon the ambassador, his deputy chief of mission, and the country team to work with central authorities designated by the local government within each country. We will review that process with an interagency group in Washington, in which all of the law enforcement and foreign affairs agencies will participate, so that the program will be carefully monitored.

There has been, I believe, over the last 10 years a substantial raising of the priority of human rights within our foreign policy. We have a Bureau for Human Rights within the Department of State which did not exist at the time the public safety program was terminated.

Under the legislation Congress has enacted, which will govern this law enforcement program, that bureau must be involved in every assistance program for any country. Also, under the antiterrorism assistance chapter, which will govern the law enforcement assistance program, there is provision for advanced notice to Congress before any program is initiated, and there are requirements for period reports to Congress to facilitate oversight.

Finally, on the question of congressional oversight, the program is not one that will be completed with this budget amendment and with this 1 year's appropriation.

We know that just as in any of the reform efforts that are going on in Central America, the building of democratic institutions takes time.

We expect that we will be back for fiscal year 1987, seeking your support for a continuation of what we hope to begin now. We desire to develop this program in a manner that will attract your support and your confidence in the way it is being managed and in the results it is achieving.

The question has been raised, why not reprogram funds for military assistance. I addressed that briefly earlier.

I think that the needs for security assistance exceed what, frankly, we are likely to get in the appropriation for fiscal year 1986, and I do not think it is economical to take funds away from security assistance programs that are needed to fill legitimate needs to fill this need and, thereby, create a vulnerability elsewhere in the capacity of these governments to resist the insurgencies that are directed against them.

If terrorism is a tactic that is foiled, but other opportunities for other tactics are opened up, those tactics will be used.

The question has been asked why is this a regional program, and that is because the terrorist links exist across boundaries.

There is no single country which is the focus of terrorism. The intelligence supports terrorist connections between Guatemala, Honduras, El Salvador, Costa Rica, and many ties back to Nicaragua. If we were to limit this program to one of the countries, again, we would be inviting risks for our own people and for the governments of the neighboring countries.

We believe that it is a regional problem and it needs to be addressed on a regional basis. We are not seeking a worldwide program. What we are saying in this particular subregion of Central America is we think we can work with the governments and have a successful program.

Finally, and I will anticipate only one more question, the question was raised by some Senators whether this is a program that is directed only at terrorism from the left. Our testimony has emphasized the threat that we see in terrorism from the left, the links of the terrorists to the Sandinista government in Nicaragua.

However, it is not antileft or antiright that motivates this program. What motivates this program is support for democratic institutions in countries that are seeking to evolve and to provide services to their people, including security of person, that will help those democratic governments prevail and survive, and be a lasting form of government for these neighboring countries, so that there will not be this swing of the pendulum from democratic to antidemocratic regimes, but so that democracy will take hold and will remain in place in Central America.

Professional, humane, skilled law enforcement can counter the terrorist threat today. It can provide a bulwark of protection for democratic instutions and for the people of Central America long into the future, from criminal acivities of any ideology.

This program is one that we wish to undertake in that spirit.

I will end at this point and will seek to respond, Mr. Chairman, to such further questions as the committee may have.

Senator EVANS. Thank you, Mr. Michel.

Senator Pressler, I will defer to you. Before you leave, do you have a particular question that you would like to ask?

Senator PRESSLER. Yes, I have one particular question, and the witness might answer it later.

It involves section 660. I think you mentioned section 660, or section 600, the one where if you give local police aid, they have to perform that function for at least 2 years.

Are we basically repealing that section?

Mr. MICHEL. No, Senator, we are not repealing section 660. There are other aspects of section 660, such as assistance to prisons, which remain, and we may want to revisit that at some point, because I think as these programs that address law enforcement and judicial systems proceed, we will find an interest on the part of the countries in prison reform that we may want to address, but that is not a subject right now.

That remains in 660.

Senator PRESSLER. Well, I think I am going to support this. But I do think we should recognize it as a basic change of law.

As I understand it, section 660 prohibits the use of aid money to local police unless they are transformed into sort of national police and they are going to do that for 2 years.

Mr. Michel. The 2-year rule is one that evolved in consultation with the Congress, and it is the difference between assistance to police and assistance to military.

Some countries, for example, some of the small States in the Caribbean, have no ministry of defense, have no standing army, and they will designate units of their national police as their national defense force.

When you have in Central America units responsible to the ministry of defense which have both law enforcement and military functions, we can provide military assistance only if those units forego their law enforcement functions and limit themselves to military functions. Then they can get military assistance because they are military, rather than law enforcement.

But if anybody is going to perform law enforcement functions, then they cannot get our assistance by virtue of section 660.

Now, Congress did exempt from section 660 three countries in Central America in the 1985 authorization for foreign assistance—excuse me, the fiscal year 1986 authorization, enacted in August 1985.

Senator Pressler. And those three countries are which?

Mr. Michel. Those three countries include Costa Rica, without any conditions. The language of the act says something to the effect of countries that have no standing army and a long democratic tradition. It does not name Costa Rica, but it is not hard to figure that out.

Then there are El Salvador and Honduras, by name, subject to a Presidential determination of human rights progress. Such a determination has been made in the case of El Salvador, so that we could begin now with some limited programs that would provide military assistance to these units having the dual functions without requiring that they forego their law enforcement functions. That has been the subject of a letter to the committee and a further amplification of that should be delivered today.

Senator Pressler. Thank you.

Senator Evans. We have several conflicting engagements here today. Both Senator Pell and Senator Kassebaum have to leave promptly.

I wonder if, in that process, we might turn to the ranking member for his questions. Then we can turn immediately to Senator Kassebaum.

Senator Pell. Thank you very much, Mr. Chairman.

I do have a markup to go to very shortly.

I apologize to Mr. Michel for mispronouncing his name.

We have worked together for many years, and I am sure that your motives are the very best, to have an effective program.

I think that we, with a longer perspective here on the Hill, do see the dangers of repetition.

There is one specific point I would like to get on the record and that is the question with regard to cattle prods and other equipment that could be furnished under the program.

In the testimony of last week, Mr. Abrams did not rule out cattle prods as equipment which could be furnished. Could I persuade the administration to say that it is not your intention to furnish cattle prods or other equipment that could be used to torture and abuse people?

Mr. MICHEL. Senator, that causes us no problem. I think Mr. Abrams was pointing out at a philosophical level of discussion with you that the instruments for crowd control to a country like Costa Rica, where there is no reason to anticipate any abuse, is something that we should not close our minds to as a theoretical possibility. If that gave any impression that our emphasis was on the export of those kinds of instruments, then there has been a failure of communication.

That is not the intention of this program, and I can assure you that the emphasis is on the elements that I have described in earlier testimony—namely, training is the first and foremost element; also communications, which is so inadequate, where the police are compelled oftentimes to be on their own when they are on the streets because they cannot communicate with their colleagues or call for help; transportation, because they cannot come to each other's aid, they cannot get to crime scenes, and they cannot patrol adequately without vehicles; and, last, is miscellaneous equipment. But by no means do we intend to provide instruments for mistreatment of individuals.

Senator PELL. But you have not answered my question. My question was is the administration prepared to say that it will not furnish cattle prods or other equipment that could be used to torture and abuse people?

In other words, what I am seeking here is a specific commitment not to use cattle prods, which I agree can be used to control cattle and control crowds, but also are frequently used as an instrument of torture.

Mr. MICHEL. I want to be careful not to overstate that because almost anything can be abused. I can say, one, that we will provide advance notice, as required under the law, of anything that we intend to provide; and, second, I can say that we are not going to provide instruments or anything like that.

Senator PELL. But that is not my question.

My question is can you or can you not make a commitment that cattle prods, electrical devices, whatever they are called, will not be furnished under this bill?

Mr. MICHEL. If that is a particular concern of the committee which would inhibit support for this program, I have no hesitation in giving you that assurance.

Senator PELL. Good.

I thank you very much.

Another question that I am concerned about is the previous experience.

Edward King, who, from 1966 to 1969 was a liaison officer for the Joint Chiefs of Staff to the Inter-American Defense Board and on the staff of the mission to OAS, had hands-on experience with the old public safety program and is concerned that the administration's proposal can falter—not because of your intention, Mr. Michel, or the intentions of those here, but as it moves along.

I would like to ask unanimous consent to insert in the record at this point a statement by Edward King.

Senator EVANS. Indeed, we will add that to the record.

Senator PELL. Thank you very much.

[See appendix.]

Senator PELL. According to the State Department's October 29 report on human rights in El Salvador, prisoner abuse has been remedied. The Americas Watch, however, has reported incidents of torture of political prisoners by members of the national guard, treasury police and the national police.

How would you respond to these contrasting allegations?

Mr. MICHEL. There are always allegations. I cannot sit here and say that no prisoner is abused in El Salvador. I cannot say that about any jurisdiction with any 100 percent degree of confidence, including jurisdictions in the United States.

I can say that the rules that have been laid down by the Duarte government for identification of police officers at the time that an individual is taken into detention and the rules for notifying family members of that detention, the rules for notifying the Red Cross, are being followed, by and large.

We have reports of individuals having been subjected to internal discipline when they have failed to adhere to those rules. It is my view, based on the information I have available to me, that the situation in El Salvador in particular is much improved with respect to the general conduct of the police.

I believe, Senator, that I would give greater weight—and I have not seen Colonel King's report, but this concern about the past, I believe must be measured against the different historical and political context. I believe that the law enforcement authorities are likely to reflect the values of the society and the political leadership of that society, and that they are subject to direction and leadership.

If that leadership is prohuman rights, prodemocracy, antiabuse, then I think you will see police departments whose conduct and performance reflect those values.

There are expert witnesses who will follow who will either contradict me or support me on this.

Senator PELL. I think you are absolutely right there. But the problem is that we want to make sure the money goes to the police department and not to the army.

For example, Colonel King mentioned—coming to the present and not the past—that in El Salvador, Col. Lopez Nuila serves under the command of General Casanova, the Minister of Defense. The directors of the treasury police, the national police, and customs police are active duty army colonels. Their staffs are composed of army officers and their policemen are mostly trained soldiers.

So, the point here is to try to get it into police channels and, in El Salvador, at least, the money is mostly going to soldiers or military people temporarily doing a police function.

Mr. MICHEL. No; The police officers—let's distinguish here between the officers at a command level and police officers in the sense of those who are out as policemen and detectives at the working level—the officer corps comes now from the Armed Forces.

Senator PELL. Excuse me for interrupting, but my time is limited.

Why is it that the heads of the three police forces are all army colonels?

Mr. MICHEL. That's what I was trying to say. The military officer corps provides the leadership within the police. There is not within El Salvador a professional corps of management, leadership, for the police that is separate from the military.

The career ladder for these army officers does not lie within the law enforcement establishment by and large. I think Col. Lopez Nuila is exceptional in that he has attained the position of Vice Minister of Defense with a background that has for a number of years been in the law enforcement area. But most officers in the military do not serve their careers in the police.

That is a factor that contributes to deficiencies in the professionalism of the police.

Col. Lopez Nuila, recognizing this, has established a police academy for training cadets so that you will develop an officer corps for law enforcement, who will get specialized training in law enforcement and whose careers will be in the law enforcement track.

Senator PELL. I know that you are from the State Department where you have a system of cones. Is what you are saying in the El Salvadoran Army there is going to be a police cone, just like you have a consular or administrative cone?

Mr. MICHEL. That's not a bad analogy.

Senator PELL. So they can stay in the army and still be police throughout their career?

Mr. MICHEL. They will still be under the Ministry of Defense, but they will be law enforcement specialists.

That is not a bad analogy, Senator.

Senator PELL. What sort of uniform will they wear—a police uniform——

Mr. MICHEL. Yes.

Senator PELL [continuing]. Or an army uniform?

Mr. MICHEL. No, it will be police.

I think over time, as this occurs, you will see a greater distinction between the police function and the military function. Organizationally, in these small countries, decisions have been made for lots of historical reasons, where the national security apparatus will be at a national level. You do not have municipal police departments.

Senator PELL. I must interrupt because my time is expiring. I would point out that they are not civilian police, then, they are military police. They are not civilians.

My time has expired.

Mr. MICHEL. May I just finish my point, please, Mr. Chairman?

Senator EVANS. Yes.

Mr. MICHEL. The organizational structure under the Ministry of Defense is something that all of these countries have done deliberately, as a matter of policy, for lots of reasons which are not bad reasons, in terms of unity of command for very small countries with relatively small forces.

The organization remains under the Ministry of Defense. But I think we will see increased specialization and increased professionalization of the police under this new program that Col. Lopez Nuila has initiated.

Senator PELL. Thank you.

Thank you, Mr. Chairman.

Senator EVANS. I suspect there will be testimony later on today that abuses still continue in the security forces of the various countries, including El Salvador, in Central America.

What is your best information on that subject, and if such is continuing, is it appropriate for us to associate ourselves through financing with the police forces that may be continuing abuses of human rights?

Mr. MICHEL. I cannot give you chapter and verse on that, Mr. Chairman. But I have no doubt that abuses do occur. I think they occur less as a pattern than they did at one time. I believe that the rules that I described on arrest procedures, identification procedures, notification to families, and the Red Cross are being followed, and that there is sufficient evidence of a political will to improve the performance of the police. So, if we enter into this area, beginning by dialog with the political leadership and then providing management training to the top levels of management and working our way down into the specific skills of professional law enforcement, we can help strengthen democratic institutions in these countries that will be much less likely to commit abuses.

The same argument was made about our military assistance to the Salvadoran armed forces, and, while the allegations will continue and while incidents will occur in any army, including our own, I believe the record of the last couple of years has been one of steady progress for greater professionalization, for greater understanding of the need for popular support and solid relations with the citizens of the country, and I believe the citizens of El Salvador are better off having the Armed Forces that exist in that country today than they would be if we had not provided the assistance.

I believe, similarly, in the law enforcement area, that the framework is there, the environment is there, in which our assistance can make a difference for the better, and we should not hesitate, after giving due and deliberate consideration to all of these risks, if we conclude that we can make a difference for the better, we should not hesitate to try for fear that there may not be total success.

I think that we have a high degree of confidence, that we have a situation in Central America where there needs to be a response to terrorism. That response must come from the local authorities. We cannot go in and be the policemen. And, the political environment is such that, if we do go in and assist, the result will be more humane, more professional, more capable law enforcement, as well as more effective protection against terrorism.

Senator EVANS. What would your intent be vis-a-vis Guatemala, where the Presidential election has not been concluded? What would your proposed timing be of any support to that country?

Mr. MICHEL. The Presidential runoff election is scheduled for December 8.

We have in the bill we have submitted requested authority to begin to work with Guatemala in the postelection, pre-inaugural period. This would allow us to begin talking to the President-elect prior to the inauguration and perhaps begin some initial programs that might help to provide security for the inauguration—metal detectors, that sort of thing, so that when that elected Government is inaugurated in January, if it wishes to have this assistance, we have the basis laid for getting a good start on helping the civilian authorities to begin the difficult process of building democratic institutions in Guatemala.

I know that this is an issue of some controversy. We think it is not an unreasonable proposition that we be given that limited discretion to work with the elected officials after the election.

Senator EVANS. Do you think that is more appropriate than waiting for some period of time to see whether the new civilian government can consolidate itself and really take control?

Mr. MICHEL. I think that to withhold help when it is needed in order to meet some tests that you might construct in the statute could put at risk whether we would be able to provide help that would make a meaningful difference.

I don't know what form of words you might use in the statute as a standard that would have to be met before the assistance could be provided, but I think that there are adequate safeguards under the existing law, with the requirement for 30 days advance notice to Congress. So, if we wanted to begin a program today, we could not begin one until next month because we would have to give 30 days advance notice to Congress.

So I think what specific kinds of programs might be developed in consultation with the newly elected officials in Guatemala is one that will be presented to the Congress and one that you can evaluate in the real circumstances.

I am a little concerned about legislative tests because they are necessarily abstract, and I would much prefer a procedural approach in which we could present to you a concrete proposal that you could evaluate in concrete circumstances and decide if it is wise in the reality that exists rather than measure it against an abstract test formulated in the drafting of the bill.

Senator EVANS. Let me ask one question on behalf of Senator Kassebaum who did have to leave for another hearing.

Should the request be as an emergency supplemental to counter the rising terrorist threat? Yet, it is only in El Salvador where you have described "the most blatant terrorist attacks" which are serious challenges to President Duarte. Wouldn't it be more effective, instead of scattering funds, to concentrate the money and effort on El Salvador at this time, while using the program as a springboard to assess the effectiveness of this type of training for the region before we proceed to the larger commitment?

Mr. MICHEL. Senator, we believe that the program must be regional because the threat is regional. The example of El Salvador is most often used as a convenient way to bring the discussion down to specifics because we are all so familiar with El Salvador and it is a country in which we have seen the tactic of terrorism employed so extensively by the guerrilla forces.

We can provide to the committee classified threat assessments for the other countries in Central America that would supplement the oral briefing that was provided in closed session to the committee yesterday. I believe that this threat assessment justifies our conclusion that we are dealing here with a regional problem that needs a regional solution.

[The information referred to follows:]

[Deleted.]

Mr. MICHEL. There is one other aspect of this, and that is that the countries facing this threat are facing terrorists who have links that cross national boundaries. If there can be programs that cross national boundaries, working with several governments in the region facing common problems, we can help to improve communication and coordination among the governments in the region. I think that, as we found in our own country, in dealing with interstate crime, is an important part of getting a handle on this regional problem.

Senator EVANS. The followup to that is how, then, would you plan to coordinate the law enforcement efforts in the region? If this is indeed a regional problem and there are several countries involved, do you have any plans for attempting to coordinate that law enforcement effort between countries?

Mr. MICHEL. We would include in this program I am sure some seminars and training programs that would involve the leaders of the several countries that are participating in it.

Do you want to elaborate on that, Ed?

Ambassador MARKS. Mr. Chairman, I am Edward Marks. I used to be with the Office of Combating Terrorism.

We would attempt to approach that first, I think, from the exchange of information and training side. We have in the ATA program, already done, and we have plans for seminars that would touch regional problems, to which we could invite representatives from various governments.

So, while the long-term objective of operational cooperation may be a little bit difficult to obtain right away because of historical and political reasons, we think we could begin with joint training and joint exchange of ideas which we hope would evolve naturally into better cooperation between these governments.

Mr. MICHEL. I could just add that in other areas where we have done things on a regional basis, in administration of justice or related activity, each country tends to think its problems are unique. When you bring a group of judges together at the training center in San Jose, Costa Rica, that is run by the Latin American Institute for the Prevention of Crime and Treatment of Offenders, and they begin to talk to each other while they are in the dormitory over a period of several weeks, they sometimes find that they have common problems and their deliberations together can advance their thinking on how to find solutions to them.

Senator EVANS. Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman.

I would like to preface my questions perhaps with some comments, if I may.

As I said at a previous hearing regarding this issue, I have not really decided where I come out on it. I suppose that ultimately depends on the form of the program and on what guarantees there will be to satisfy some of the questions of my colleagues.

But it seems to me that the concerns that have thus far been expressed are not at this point being satisfied in changes or in reformulations or in new approaches to this program.

I have been advised that my staff was notified yesterday that the CIA will not declassify its February 1985, report to the Intelligence Oversight Committee entitled "El Salvador, Countering Right Wing Terrorism."

As I expressed to Secretary Abrams when he was here last, I think that at this point this program has an unfortunate single ideological bent, which is one area of so-called left-wing terrorism; but that if we are really going to make such a program work and have it send the signals that we want to have it send, it has to be more evenhanded in its approach and in its implementation.

The reason given for denying my request on the declassification is that it would endanger U.S. foreign policy interests in El Salvador.

Now, I have not seen the report. But I understand the reason why the administration believes a public release of this report would endanger its policy in El Salvador.

The simple fact of the matter is that many officers who have been involved in death squad activities continue to be involved in those activities and continue to hold positions of significant responsibility within the Salvadoran security forces.

I do not want us fashioning a program that is going to send assistance that will aid or merely alleviate their need to provide their own resources for those kinds of undertakings that they are currently involved in.

Now I am going to turn over a list of names of those officers to the State Department later today. These names have been obtained through the public process independently from a variety of sources in El Salvador. As a matter of fact, I think that we are sweeping that kind of information under the rug, unless we are willing to deal openly with it and particularly if you are going to come to the Congress and ask for funding for this kind of program.

The fact is the death squad apparatus has not been dismantled in El Salvador. It is fully capable at any moment in time of the same slaughter that characterized it previously. And the administration I think is maintaining that, while a threat, right wing extremists have in fact been brought under control.

Now, either the administration is deluding itself or it is deluding us because civilians continue to be killed by the right wing death squads, although obviously at a reduced level. And I acknowledge that it is at a reduced level.

But the issue is not whether it is at a high level or a low level. The fact is that it continues and the forces that ought to be trying to quell it are not doing so at this moment.

Now, 11 students at the University of El Salvador were placed on a death squad list which was actually published in "Prensa Grafica" on July 13, 1985, and the group making the threat is the clandestine National Liberation Party and its military branch, the secret anti-Communist Party, which has claimed credit for killing innocent civilians in the past.

This morning, I believe over on the House side, before the House Foreign Affairs Committee, Jose Rodolfo Rozales, who is a student on that list, against whose life two attempts have been made, and one individual was wounded beside him when a shot was taken at him in the street, is testifying as to this. The threat said all of these traitors of the people have been condemned to death and we give them until Saturday, the 20th of this month, to be forewarned that from that day on our beloved military squads will put the execution orders into effect.

That was published.

The 11 students participated in a demonstration against the cutback in funds to the university, and they were accused of being supporters of the FMLN and the FDR and warned that if they did not change their attitudes, they would be brought to justice.

I think we are possibly sliding backwards. I have praised President Duarte and others have, I think, who have watched critically what he has taken on there. I think he has made tremendous gains and great efforts.

But in the last 5 years, the best estimates are that perhaps some 30,000 Salvadorans have been executed at the hands of military death squads.

I don't see anywhere in your testimony or in previous testimony or in the articulation of this program an expression of concern for that kind of terrorism and for increasing our ability to deal with it. I think there has been an irresolution, even, of the promises that President Duarte made in the campaign last year. I refer to the assassination of Archbishop Romero, the two United States labor advisors, the head of ISTA, the Las Hojas massacre, the Armenia massacre, and Nicholas Blake, the freelance journalist, who is missing in Guatemala, whose family believes that he was killed at the hands of the Guatemalan military.

I think that what we need to do is recognize that if it is too destabilizing for the armed forces to purge those responsible for death squad activities and those human rights violations continue to take place, then there is a contradiction to the fact that it has been brought under control.

If it has not been brought under control—and the fact that it would be destabilizing to our policy seems to indicate that it has not—then we ought to be fashioning some kind of response that I think tries somehow to deal with that.

That is my concern, my deep concern.

My second concern—and it was raised at the original hearing some months ago, when we met to discuss Central America and Latin American policy—is this. I asked at that time for the staff of the Foreign Relations Committee to undertake an examination of our security assistance programs because there is a fear among many people that we are spending millions of dollars in various parts of the world and we are not getting what those dollars are supposed to be giving us. I think we agreed we would try to do that, but we have not obviously because of the length of this session all had time to perhaps undertake it.

Since 1979, we have provided more than $3.7 billion to security, military, and economic assistance to Costa Rica, Honduras, El Salvador, Panama, and Guatemala. Of this amount, more than $1.8 million has been provided to El Salvador.

Right at this moment, we are providing $9 million for the administration of justice program in El Salvador, and we are proposing to give $12 million more.

Mr. Michel. [Nods negatively.]

Senator KERRY. Isn't that it? How much is it?

Mr. MICHEL. The administration of justice program is——

Senator KERRY. Well, $12 million to the Salvadoran security forces.

Mr. MICHEL. Oh, oh, yes; OK.

Senator KERRY. Correct?

Mr. MICHEL. OK. The administration of justice program I think is adequately funded right now.

Senator KERRY. But the $12 million will go to the security forces themselves.

Mr. MICHEL. This is the counterterrorism assistance, yes.

Senator KERRY. How would you characterize what has happened to the administration of justice program?

Mr. MICHEL. I think it has begun to work.

This is a frustratingly slow process. We tend to put El Salvador under something of a spotlight and magnifying glass and look minutely at it. I would like to begin by emphasizing that the administration of justice program is not an El Salvador program. The legislation that Congress enacted this summer provides for programs in Latin America and the Caribbean. The objective is to engage the countries in the hemisphere in discussion, to support indigenous efforts at improving the administration of justice through foreign assistance, through exchanges, through contacts between bars and judiciaries and generally to cooperate with the nations in this hemisphere seeking to improve the administration of justice as an important aspect of consolidating democratic systems and insuring the protection of democratic values.

With respect to El Salvador, a substantial problem existed in obtaining implementing legislation prior to the legislative elections earlier this year. Subsequent to those elections, we have seen a number of things occur.

First, there has been formed something called the Revisory Commission, which is a group composed of individuals from the private bar, from the universities, from the judiciary, from government ministries, who have formed committees and will be submitting next month their work plan for a comprehensive review of the functioning of the judicial system and plans for corrective actions that need to be taken.

That is a central point of this whole effort, and that was delayed by the fact that the implementing legislation was not passed by the assembly until President Duarte obtained a majority in the assembly in June.

The second thing that has been done is the establishment of an investigative commission, which is a specialized group of about 25 highly trained investigators and a forensic capability that is just now being formulated. I think they just got their mobile van last week and they are just really beginning to get into laboratory analysis as a part of the investigative process.

This group of lab experts and investigators will report to a civilian commission made up of a representative of the President, someone from the office of the presidency, the Minister of Justice and the Minister of the Interior. That organization is intended to provide an enhanced investigative capability for addressing the very difficult crimes—and not leftwing crimes, or rightwing crimes, but just difficult crimes of whatever character.

They have on their agenda the cases you have mentioned.

Senator **Kerry**. If I could just interrupt for 1 second—and I know my time is up, Mr. Chairman, and I am going to terminate. You draw that distinction and you say not leftwing and not rightwing, and that is fine. But the problem is, as I understand it, there are direct linkages of those investigators to the military, their pensions, their security, their own involvements. I believe one of them is a major within the military structure. The chief forensic officer is such. There are such linkages that they are not separate from them.

There is not the kind of judicial investigative integrity that one would want to have, No. 1. No. 2, it is my understanding that the Lawyer's Committee for International Human Rights has spent considerable time looking at this, and they report that they are spending most of their time investigating car thefts and illegal adoption rings.

I think, when you look at the cases that I have cited, either the Archbishop or the Armenia particularly, they have not even begun excavating the bodies from the well which are central to the question of proof in that case. They have not even begun to do that.

Mr. **Michel**. I can give you a briefing on that, Senator, and maybe we could discuss that later.

Senator **Kerry**. I would be happy to. But, you see, those I think are the concerns.

Mr. Chairman, my time is up.

But I would like also to discuss with you your response to my opening comments.

You know, terrorism is terrorism?

Mr. **Michel**. Yes.

Senator **Kerry** [continuing]. From any side, from any quarter. But it does not behoove us to throw a lot of money down the drain pretending that somehow, some of these groups are going to actually be evenhanded or deal with terrorism when the structure itself will not allow it and when their willpower is simply absent.

Mr. **Michel**. I think that we disagree less than perhaps your comment would indicate.

Senator **Kerry**. I would be delighted to pursue it. As I say, I have not yet made up my mind.

Mr. **Michel**. I did address earlier in the hearing the point that our intention in this program is not to combat leftwing terrorism only or rightwing terrorism only. Our intention is to promote democracy, and that means making the people safe and secure against this criminal activity, whatever its motivation.

Senator **Kerry**. And I don't think you can do that when you are unwilling to make public or pursue—and I don't think we are pursuing—the kinds of terrorist activities that have been going on in El Salvador. If our foreign policy interests are somehow injured, then our foreign policy interests are not what you just describe.

Mr. **Michel**. I would just not agree with the point that these areas are not being pursued. I can give you more detail on that.

Senator **Kerry**. Why don't we talk about it but not on Senator Sarbanes' time.

Thank you.

Thank you, Mr. Chairman.

Senator EVANS. Senator Sarbanes.

Senator SARBANES. Mr. Secretary, I am not altogether sure why you are here. Why doesn't existing statutory authorization allow you to address some of these problems?

Mr. MICHEL. There are three parts to the program: The military assistance part, the law enforcement assistance part, and the protection fund for those who cooperate with the United States in antiterrorism matters.

There is no statutory authority for this protection fund. We have had to deal with that problem on an ad hoc basis, where individuals coming from one country testify in another country at our request, and then they go back to their country of residence and may be subjected to danger where their country of residence did not ask them to incur that risk and did not have the jurisdiction over the proceedings in which they participate.

So that is $1 million. We need new authority for that.

Senator SARBANES. So it is $1 million for the protection fund.

Mr. MICHEL. Yes.

Senator SARBANES. There is nothing in the law now that would allow you to do that.

Mr. MICHEL. That's right.

Senator SARBANES. So, unless you get something, you cannot do it.

Mr. MICHEL. Yes, sir.

Senator SARBANES. Are you doing it now?

Mr. MICHEL. We have made one expenditure of——

Senator SARBANES. Well, how are you doing it now if you cannot do it under the law?

Mr. MICHEL. We have made one expenditure out of the extraordinary fund that is available to the Secretary of State for emergencies in the diplomatic and consular service, which is not otherwise authorized but which fits within that extraordinary power, which is not a good way to have a continuing program.

Senator SARBANES. But you can do it under the law?

Mr. MICHEL. We can do it once. We do not have the funds to do this more than once.

Senator SARBANES. You have the authority but not the money? How big is the fund?

Mr. MICHEL. Well, there is a question as to whether the Congress wishes this matter to be treated as an emergency in the diplomatic and consular service or not.

Senator SARBANES. I think that is a reasonable answer.

Mr. MICHEL. And if the Congress wishes to treat it that way, then we have the authority under that statute to do this on an extraordinary basis.

Senator SARBANES. I think it is reasonable for the department to raise the question whether something of this sort should, in fact, be subsumed under the existing authority. I agree with that.

How big is the fund?

Mr. MICHEL. We are seeking $1 million.

Senator SARBANES. No; the fund from which you are drawing.

Mr. **Michel**. For emergencies in the diplomatic and consular service? On an annual basis—I have not followed this lately, but it is somewhere in the neighborhood of $2 to $4 million, I believe.

That covers an array of issues.

Senator **Sarbanes**. What are the other two areas?

Mr. **Michel**. On the military assistance side, we have all of the legislative authority that is required. All that we are seeking is an authorization of appropriations to augment the amount of money that can be devoted to military assistance to Central America, so that there can be a concentrated effort at building counter-terrorism capabilities without at the same time weakening other conventional military capabilities of the recipient countries.

Senator **Sarbanes**. Then what is the purpose of section 2(b) of that 1757 in light of your response?

Mr. **Michel**. Section 2(b) includes a request for exception from the prohibition on assistance to Guatemala that was enacted in August of this year.

Senator **Sarbanes**. But I just understood your previous answer to say that you had the authorization and all you needed was the money.

Mr. **Michel**. We have the legislative authority to provide military assistance. There is a special provision that Congress enacted with respect to Guatemala.

Senator **Sarbanes**. And you are trying to change that.

Mr. **Michel**. And we seek an exception from that prohibition in the case of Guatemala.

Senator **Sarbanes**. Then your previous answer was not altogether accurate.

Mr. **Michel**. It was not complete.

Senator **Sarbanes**. Now, why are you trying to change that?

Why can't you operate within the limitations and restrictions of the Guatemalan language contained in the Foreign Assistance Act?

Mr. **Michel**. We could operate within those restrictions. The proposition is that in the period following the election, of which the second round will be held on December 8, and prior to the inauguration in Guatemala, which will be held on January 14, it is a possibility, and indeed a likelihood, that there will be an increased risk of terrorist activity seeking to disrupt the transition to an elected civilian government.

During that period, we would like to be able to discuss with the President-elect concerns in that regard and begin to work with that elected official in seeking to assist in assuring a secure transition to elected government.

Senator **Sarbanes**. How long is that period going to be?

Mr. **Michel**. That is a period of a few weeks. It is a period between December 8, or whenever legislation is enacted if it is a later date, and January 14.

Senator **Sarbanes**. So it is to address the problem of the coming few weeks that you are seeking this blanket exception?

Mr. **Michel**. Well, it is not a blanket exception in one sense, and that is——

Senator **Sarbanes**. It says, "Such funds shall be made available notwithstanding any limitations or restrictions on such assistance——"

Mr. MICHEL. That's right.

Senator SARBANES [continuing]. "Contained in section 703."

Mr. MICHEL. That's right.

Senator SARBANES. I would call that pretty blanket.

Mr. MICHEL. Well, I was about to say that it is not a blanket exception in one sense, and that is the sense that the request for exception is limited to the "such funds," which means funds for the limited purpose of enhancing counterterrorism capabilities. It is not an exception to permit a general program of military assistance for Guatemala. Any such general program of military assistance would remain subject to the provisions of section 703.

Senator SARBANES. How do you draw that conclusion?

Mr. MICHEL. Section 2(a) requests funds for a specific purpose, and 2(b) says "such funds," meaning the funds for that specific purpose, may be used without regard to the limitations of section 703.

Senator SARBANES. How much other military assistance is there to Guatemala?

Mr. MICHEL. Our request for fiscal year 1986 includes $10 million for Guatemala and an additional I believe $300,000 for international military education and training. What this bill proposes is that $2 million be made available for counterterrorism purposes only, without regard to the restrictions of section 703 after the elections.

Senator SARBANES. Where does it say $2 million only?

Mr. MICHEL. The documents that were submitted to the committee in explanation of our program contain a breakout of how we would divide up the total amount of money requested among the recipient countries. I could provide a copy of that for the record, if you wish.

[See appendix.]

Senator SARBANES. Let me now go to the police money.

Why aren't you going through section 660 to get police money if you need it?

Mr. MICHEL. Section 660 provides neither authority nor funds.

Section 660 contains a prohibition in subsection (a) against using other authority or other funds contained in the law, in the Foreign Assistance Act, for providing assistance for law enforcement.

Subsection (d), just recently enacted, provides an exception to that prohibition for three countries in Central America, but does not itself provide authority or funds which could be used to provide that assistance.

We considered the alternative frameworks within the Foreign Assistance Act.

Senator SARBANES. Well, it does provide authority because if it is an exception to a restriction, then you would be allowed to provide police assistance, wouldn't you?

Mr. MICHEL. Well, it causes the restriction to become inapplicable. Then one must find positive authority somewhere else that says you can provide assistance for that purpose.

Senator SARBANES. And you cannot provide it for police purposes?

Mr. MICHEL. We have to look within the Foreign Assistance Act, then, for grants of positive authority. We had a number of alternatives. We could have used the Economic Support Fund, for example, and provided this under AID auspices. We thought the better alternative, given the nature of this program, was to bring it within chapter 8 of part II of the act, the antiterrorism assistance chapter, so that it will be subject to the special oversight provisions, human rights provisions, and interagency coordination provisions that Congress has enacted for antiterrorism assistance on a worldwide basis.

Senator **Sarbanes**. Is the whole purpose of this act to get money to Guatemala?

Mr. **Michel**. No, sir.

Senator **Sarbanes**. What other purpose does it have—other than the protection fund. I understand the $1 million for the protection fund. But other than that, both parts of the bill are to enable you to give money to Guatemala, is that right?

Mr. **Michel**. No; the antiterrorism assistance part, section 3, does not address section 703 restrictions at all. Guatemala could be eligible for antiterrorism assistance under existing law. The bill is not necessary for that purpose.

Senator **Sarbanes**. Well, then, why is it necessary? I have a letter in front of me from the Secretary of State to the chairman of the committee making certain findings with respect to El Salvador pursuant to section 660(d), and on the basis of those findings indicating that certain military assistance funds will be used for the purpose of training public security forces.

Mr. **Michel**. That's right.

Senator **Sarbanes**. So there is an authorization to do that.

Mr. **Michel**. That is for El Salvador.

Senator **Sarbanes**. That's right.

Mr. **Michel**. And there is a further letter in amplification of that one that should be delivered to the committee today.

Senator **Sarbanes**. So for whom do you not have it? Guatemala?

Mr. **Michel**. That's right; but you could——

Senator **Sarbanes**. Well, then, I am back to my question.

I want to try to narrow this bill. I want to find out what it is you are really trying to address. We can't seem to get a response to that——

Mr. **Michel**. Well, I am trying, sir.

Senator **Sarbanes** [continuing]. Because assertions are made and then, when you are pressed on it, we discover that there is an authorization existing to cover that particular situation.

I want to know what it is that you are trying to get that you do not now have without these sweeping exceptions.

Mr. **Michel**. Well, I don't think the exceptions are sweeping.

May I try again?

The witness protection fund is something that is new authority.

Senator **Sarbanes**. I understand that; you can set that to one side; that is $1 million.

Mr. **Michel**. OK.

The military assistance is a request for authorization of additional appropriations because there is no new substantive authority required. The program can be accommodated under chapter 2, part II, of the Foreign Assistance Act.

The military assistance part also includes a request for an exception with respect to Guatemala from the provision that says no military assistance until after the civilian government is inaugurated, that would allow us to begin working with the elected president after he is elected and during the period leading up to the inauguration. For Guatemala, that is $2 million of the $27 million requested for five countries in the bill.

With respect to the law enforcement side of it, in section 3 of the bill, we are seeking there $26 million for five countries that would be in addition to the moneys available now for the antiterrorism assistance program, for which Guatemala could be made eligible. It is not a question there of needing an exception to any Guatemala-specific provision of law.

What we do seek in section 3 because of the size and the nature of this program is exceptions from some operational constraints that were designed for a quite different, much more limited, antiterrorism assistance program. I could go through those one by one, or I could provide something for the record that explains why we seek exceptions to each of those paragraphs in section 573(d), referred to in section 3 of the bill.

Senator SARBANES. Why wasn't this matter taken up at the time we considered the Foreign Assistance Act?

Mr. MICHEL. I think we have to accept some responsibility for being delinquent in responding to growing evidence of terrorism in the region, growing intelligence of plans for further terrorism in the region directed against the governments, directed against the citizenry, and directed against our own personnel.

We had some information on this. We had some intelligence on it. We did not act on this to formulate a proposal for specific assistance in this area until after the murders in June in San Salvador.

We then undertook an examination of the situation in Central America. We consulted with our embassies. We consulted with the governments. We deliberated on the most appropriate way to respond to this information that we had and to the tragedy that had occurred.

We concluded that in the environment that exists with the governments in this part of the world, with the threat that exists in this part of the world, and with the lack of capability that exists on the part of the local authorities who must be in the forefront of the effort to deal with the terrorism problem, a program of assistance to strengthen the antiterrorist capabilities of both the military and the law enforcement authorities was feasible, could be effective, and would be a positive contribution we could make to strengthening democratic institutions in Central America.

Senator SARBANES. How fast do you expect to send out this money?

Mr. MICHEL. We have asked for money for fiscal year 1986. We would expect that we would obligate the full amount that we have requested during this fiscal year.

Senator SARBANES. Do you mean by October of next year?

Mr. MICHEL. Yes, sir.

Senator SARBANES. That is $54 million?

Mr. MICHEL. That's right; that is $27 million for military, $27 million for law enforcement. The $1 million protection fund might not be used. That is really a contingency fund.

Senator **Sarbanes**. Can the law enforcement issue on authorization be addressed the same way the El Salvador issue has just been addressed by the Secretary in his letter of October 29?

Mr. **Michel**. What we are able to do in El Salvador is use very limited funds—we are talking about a few million dollars—to begin to meet some of the most urgent needs for training and materiel support through the military assistance program, augmented by some training courses, just a few training courses in the United States under the anti-terrorism assistance program.

We believe that to do more than that would detract from needs for conventional military assistance in the first place; and, second, would set us down a path of total reliance on the military assistance and a building of military capability as the way to address this problem.

Senator Kerry was just expressing concern about the composition of the security forces in El Salvador because they have military officers. I explained to him that there is an effort underway to develop a cadre of law enforcement professionals within the officer corps in El Salvador.

If we were to rely entirely on the military for this role for the longer term, I think that that would be less compatible with our interest in strengthening democracy than if we seek, as we are doing what is necessary on the military assistance side, to lay the groundwork and build up a more conventional law enforcement capability that can take over the job of protecting the citizens for the longer term.

Senator **Sarbanes**. The reprogramming authority does not allow you to direct the money in that way?

Mr. **Michel**. No, sir. We would have to do a transfer of funds from one account, from any account, into the antiterrorism assistance chapter so as to put into that chapter more money than the Congress had authorized or appropriated—something Congress usually does not want us to do. And then we would still be bound by the operational constraints on providing training outside the United States, providing equipment in excess of a grand total of $325,000 for the entire world.

Senator **Sarbanes**. That restraint does not keep you in the military mode in providing the assistance for training public security forces, does it—once you reprogram it?

Mr. **Michel**. You cannot reprogram money from one appropriation to another. You can only reprogram within an appropriation. You can use military assistance money only for military purposes. If you shift it to a program that is really going to be run by civilians on our side and is designed to enhance civilian type law enforcement capabilities, I think you would have a serious question about the propriety of using military assistance funds for that purpose.

You could, using an extraordinary presidential power, transfer money from one appropriation to another. But that, as I indicated, is something that normally when we propose it, Congress asks us not to do it.

Senator **Sarbanes**. What is the meaning, then, of the Secretary's letter to the chairman of October 29?

Mr. **Michel**. In what respect, sir?

Senator SARBANES. In directing the use of military assistance funds for the purpose of training public security forces.

Mr. MICHEL. In military skills and to provide them with equipment for carrying out the military responsibilities that they have.

There is an overlap, of course. But this is essentially of a military character.

We want to begin, while we are providing that military assistance, a new program, under the law enforcement assistance, in which we will call upon not the Department of Defense, but the FBI, the police departments in major cities, and other civilian professionals in law enforcement to begin to provide assistance that can lead to a more civilianized—if that is a word—law enforcement structure within these countries.

Senator SARBANES. And you are not going to do that now under this reprogramming?

Mr. MICHEL. It is not a reprogramming. But under this limited use of military assistance authorities, that is going to be administered by the Department of Defense. All that we have to go with that is three training courses in the United States under the antiterrorism assistance program. Otherwise, it is essentially a military program.

The difference is that because the President made the determination under 660(d), those individuals and those units who receive our military assistance and who also have law enforcement functions will no longer be constrained from performing their law enforcement functions.

Senator SARBANES. Well, the Secretary makes a distinction in his letter between supporting the Salvadoran military in the fight against guerrillas and supporting public security forces in the efforts to insure the rule of law and preserve the safety of Salvadoran citizens. That is a distinction that is made right in his own letter.

Mr. MICHEL. Yes.

Senator SARBANES. My sense of this—and I still cannot get to the bottom of it—is that the only places where you are lacking authority to shift moneys or to do something are, one, perhaps the $1 million on the protection fund, where you are uncertain about the use of the discretionary fund for that purpose.

Mr. MICHEL. Well, that is a question for Congress, really. We would prefer to do it on a regular basis.

Senator SARBANES. And, two, the money for Guatemala in this few week period.

Mr. MICHEL. For the military assistance, that's right.

Senator SARBANES. And then on the other as well?

Mr. MICHEL. On the law enforcement, we think that we should not depend upon a military assistance program as the only kind of assistance that we are providing.

Senator SARBANES. For Guatemala.

Mr. MICHEL. For any of the countries.

Senator SARBANES. Well, with the other countries you can shift it, according to section 660(d), if you give us the proper certification.

Mr. MICHEL. No; It is still military assistance, being administered by the Department of Defense to enhance the capabilities of these forces who have both military and civilian functions.

Senator SARBANES. Isn't the fact of the matter that the Department of Defense is saying look, you are using our money for these other purposes because you think they are important and we don't want you to do that, so we need more money——

Mr. MICHEL. No.

Senator SARBANES [continuing]. So let's go in there and argue that we need an authorization with money attached to it, that is $27 million, and let's also get another replenishment of our other authorization.

Isn't that the problem?

Mr. MICHEL. No.

We believe that it is important for the longer term that our assistance be provided under the anti-terrorism assistance chapter, using civilian institutions, using civilian instructors, using civilian models, so that we are not over time relying entirely on a military character for this assistance that will leave at the end of our program a capability for the military to perform law enforcement functions in those civilian law enforcement institutions in place.

Senator SARBANES. Mr. Chairman, I'm sorry. May I have just one more question? I am sorry about the time.

Senator EVANS. All right.

Mr. MICHEL. This is philosophical, perhaps, but that is really why——

Senator SARBANES. I take it that you think all of this is important. As I understand it, you are back in seeking this because there has been a shift in the tactics of the forces that we are contending with in Central America, is that right, and they have moved into an antiterrorist mode?

Mr. MICHEL. And particularly in El Salvador, it is evident, not just from intelligence but from observation of the fact that there have been these kidnappings, these bans on travel on the highways, where those who venture out on the roads are subjected to the risk of ambush. There have been the murders of officials of the Salvadoran Government, and there have been the murders of United Staes citizens.

Senator SARBANES. That is a shift in tactics?

Mr. MICHEL. That is a shift in tactics.

Senator SARBANES. Well, then, why don't we shift the money to meet the tactic, instead of adding more money?

Mr. MICHEL. Because if you take money away from a conventional military capability in order to meet this shift in tactics, you are likely to find the guerrillas seeking to exploit whatever weakness you leave by having taken money away from something else, and they will shift tactics again. That is their history.

Senator SARBANES. You are not only addressing the problem of taking money away, which is the $27 million for anti-terrorism, which is designed to preclude that from happening—is that correct?

Mr. MICHEL. This whole bill is antiterrorism, and I am a little confused. I'm sorry.

The military aspect of this bill, the $27 million for military assistance, is intended to allow programs to strengthen the counterterrorism capabilities of the armed forces without detracting from our ability to provide assistanced for conventional military needs for which funds have already been programmed.

Senator SARBANES. What is the difference between the armed forces being strengthened to combat terrorism and being strengthened to combat guerrillas?

Mr. MICHEL. The idea is to provide specialized training and equipment for several units that can deal with hostage situations, that can deal with urban attacks. It is just as in Bogota, recently, when the Palace of Justice was attacked, the police were not able to deal with that large group of terrorists and the military had to come in and assist.

In this country we have within our Armed Forces several units that have a specific counterterrorism competence. That may not be all that they do. But they are trained up and equipped to deal particularly with terrorist attacks. It is that kind of specialized training and equipping that would be pursued under this program.

The Department of Defense plans to set up a control that would segregate this money from the general military assistance program so that it would be devoted to this purpose.

Senator SARBANES. Mr. Chairman, I have been imposing on your good graces and those of my colleagues long enough.

Thank you.

Senator EVANS. Senator Dodd.

Senator DODD. Paul, I would ask you to continue.

Senator SARBANES. Thank you, but you go ahead, Chris.

Senator DODD. Thank you, and thank you, Mr. Chairman.

The reason why Senator Kerry is not here and why I am late is we have about seven bills in markup in the Labor Committee this morning so we are both a little bit pressed for time.

Let me ask you whether or not the administration would be willing to accept language in this proposal barring any involvement by the Central Intelligence Agency in this program.

Mr. MICHEL. Under these funds?

Senator DODD. Yes.

Mr. MICHEL. In this bill?

Senator DODD. Yes.

Mr. MICHEL. I don't have any problem with that. We don't have any problem with that. I don't think there is any intention of providing any of the funds in this bill to the Central Intelligence Agency.

Senator DODD. Their involvement with it or the use of any of these funds themselves.

Mr. MICHEL. Yes.

Senator DODD. Maybe we could work on some language. I would appreciate that. I will submit some language.

The reason I raise this is because one of the problems that arose, Mr. Chairman, back in the earlier programs of the 1960's, and one of the reasons why these programs were not successful was owed to the CIA's involvement in them. The CIA did not want to clean up police forces, but rather, wanted to use them as a means of gathering information. That was its primary objective—not the reform of police forces so as to increase their credibility and performance within their own contries.

My concern would be, and the reason I raise it, is not because of any objection I have at all to legitimate Central Intelligence Agency activities. In fact, I would like to see us do a lot more of on-ground gathering of information. But I think if we allow that activity to bleed into this one, you will run right back into similar problems that we had in the past.

Mr. MICHEL. No.

I think that the activities and the funds of the Central Intelligence Agency are a matter for that agency to take up with their oversight committees, the Select Committee on Intelligence and the appropriate part of the Appropriations Committee.

The one reservation I would have is that I would not want to be denied—and I do not think this is your intention, but I just want to clarify the point—I would not want to be denied the opportunity to include the intelligence community in the interagency group that consults on the policy guidance for this, because the intelligence that they can provide for the benefit of the interagency group I think is important in having as full information as possible, in part to address the kinds of concerns that a number of members of this committee have raised.

So we would seek to consult the intelligence agencies as a part of the interagency deliberative process, but would not envision an operational role for the agency using any of the funds in this bill, or the authorities in this bill.

Senator DODD. What I would like to do is work on some language and then submit it to you for your appraisal.

Mr. MICHEL. Sure.

Senator DODD. The second question I have, and one you may already have addressed, has to do with the comingling of funds, for both military and police. El Salvador is a good example of this.

In El Salvador there were serveral police agencies. They were, I believe, the Treasury Police, the National Police, and the National Guard. It became very difficult, if not impossible, to differentiate and distinguish between these various agencies and the regular armed forces.

To say that you are going to totally separate their activities would be terribly naive because there are instances from time to time when cooperation among the separate forces is necessary.

But I am uneasy about the idea of one pool of resources going to both the military and the police. Why we are not approaching it separately, understanding that in terms of dealing with terrorism, there is obviously going to be, and has to be, some sort of interrelationship.

Mr. MICHEL. There is a military dimension in that some of what is needed to deal with terrorism is better patrol, better information better performance of traditional police functions. But terrorist incidents, as we have all witnessed, can take on a dimension that requires a military capability. We think it is better for the military to have that capability than to try to make the police all into soldiers and give them that capability. This is the point I was trying to pursue with Senator Sarbanes about for the longer term, how you do not want a strong military and no police.

The situation in El Salvador is that the security forces—and I think there are three: Treasury Police, National Police——

Senator **Dodd**. I think Treasury is gone now.

Mr. **Michel**. No; they abolished the intelligence unit that was believed to be responsible for human rights abuses. But the Treasury Police, as an institution, exists. There is also the National Police and the National Guard. These are the so-called security forces. They have a military as well as a law enforcement function. That is simply the reality of Salvador facing an insurgency today.

So what we hope to do, while we are beginning with military assistance and emphasizing the military functions of these security forces—because that is where you can make an immediate impact. We have the infrastructure, we have the people, we have the procurement system. But you begin to phase in through the antiterrorism assistance program programs of instruction run by civilian institutions, equipment through civilian, nonmilitary channels, working from the top down with the management of those organizations, getting them thinking about how do I manage this organization so that I have accountability, so that I have responsible people out there following the orders and following the rules on protection of citizens and everything from human rights to staying awake on the job, and how do you set up an internal affairs unit.

Something that we found in another program was that the law enforcement authorities often did not have basic instruction on the elements of offense under criminal law codes or the rights of the accused. It simply was not part of their normal academy instruction.

These are things that the managers need to think about.

We think that that is very important for the longer term, that that civilian element of the program be introduced, and that, over time, you can phase down the military element of it and phase up the civilian side, so that you are left at the end, because we have been there, when we have gone, with a strong, sort of traditional police infrastructure and not a totally military-dependent structure for dealing with security, crime, and law and order in the country.

Senator **Dodd**. I would have very little difficulty, if any, in arguing with that goal. I wonder, though, if some of the political realities make that stated goal rather difficult, to say the least, to achieve.

At present in El Salvador, the directors of the national police are all senior military people.

Mr. **Michel**. That's right.

Senator **Dodd**. In fact, the interrelationship between senior military people and the national police is not so much a structural problem as it is a political one. You are talking about people who maintain some very significant positions within the government of that country, and who, under what you have just suggested, would have to disengage if you want to keep that kind of separate activity in the longterm.

Mr. **Michel**. I think we are talking, Senator, about an evolutionary process. There are deep historical reasons for the present structure of the security forces within the Ministry of Defense in El Salvador, and it makes a certain amount of sense, when you look at the experience that some other countries have had with a separate structure for the police and the problems that they have had. These are small countries, where unity of command at the most senior level can serve a useful purpose.

The problem is that the commanding officers and the senior managers within the security forces come into the police work and go out of the police work. But they are not really police. They are not really law enforcement professionals. They are military people whose advancement, whose career depends on their assignments as soldiers.

That is a problem that is being addressed. There is an academy that is being established by Col. Lopez Nuila, the Vice Minister for Public Security, to bring cadets into a separate academy for professional law enforcement, and to build this cadre of professional officers who will have a career path. There will be ladders for them within the law enforcement system, and the hope is that they will develop an esprit de corps, a sense of professionalism, and a sense of identity that begins to distinguish between the law enforcement function and the traditional military function.

So this is not overnight. We are talking about long-range objectives.

Senator DODD. My time is up. I apologize.

Senator EVANS. Why don't you go ahead.

Senator DODD. I didn't see the red light.

Senator EVANS. We will have a second round.

Senator Sarbanes.

Senator SARBANES. Thank you, I will pass.

Senator EVANS. Senator Dodd.

Senator DODD. Thank you.

Again, talking about the political problems from a slightly different perspective, in many of these countries, and Nicaragua is probably the one most of us are familiar with in terms of the National Guard in that particular case and its reputation prior to the fall of Somoza—and the perception may not be exactly the same. I think it varies from place to place to some degree. But the national police have been seen by many people as being the source of a great deal of their problems, politically.

Mr. MICHEL. This is why I like to stress that this program has to be pursued in the context of a broader effort to support democracy and to strengthen democratic institutions.

If you were only to have strong, capable, efficient police in El Salvador or in any of these countries, and those police knew how to go out and collect the evidence and apprehend the offenders, and then they took them to a prosecutor who did not know how to prosecute, or a judge who did not want to decide cases on their merits, and they were frustrated because the results of their efforts led to a denial of justice, that would be a very bad result; also without an effective system that provides responsibility up to the political leadership and provides checks and balances through the judicial process, you don't have any brake on the activities of those who have the guns.

I think this is part of what went wrong with the National Guard in Nicaragua.

I think the Guard was set up with the best of intentions, but there was no check on its activities.

And so, this program has to be looked at not in isolation. But we are supporting programs, and you can debate how successful any of them are—you know, there is land reform, there is judicial reform—and there is a whole program that President Duarte is pursuing in El Salvador and that we are supporting.

Senator DODD. You know, just on that point, wouldn't it make good sense to really try to segregate, for the purposes of funding and dealing with the problems that have been identified, and in terms of the perceptions that I think we have to deal with, with the general population in these countries, if we are really trying to move in that evolutionary way to separate functions wherever possible to achieve that check and balance; if that is the ultimate goal, doesn't it make some sense for us in terms of our credibility on that issue to begin the funding on that program with segregation of funding?

Mr. MICHEL. There is segregation of funding at our end. There is not segregation of function at the other end.

Senator DODD. I understand that.

But it seems to me that if we are trying to get segregation of function as an ultimate goal, to achieve the check and the balance, would it not make some sense for us to approach the problem ab initio with some segregation? It seems to me we lack some credibility on the evolutionary argument, which is a good one, I think, and a good point, and I wish we had started that 20 years ago because if we had started that then, we might not be sitting where we are today in this particular situation. Had we begun that and made it clear 20 or 25 years ago, we might have been closer to achieving that goal.

Here if we start that process and we say that is what we want, and yet if the very piece of legislation that we are dealing with kind of clouds that distinction rather than makes an effort to clarify it, it seems to me we are creating a problem.

Mr. MICHEL. But it is also important, Senator, that we not be so ethnocentric in our programs that we seek to impose models which may not be appropriate for these societies.

I don't know how this plays out in the evolutionary process, and it is conceivable that it plays out somewhat differently in the model that the people of El Salvador adopt and that their elected representatives adopt for their country. It may be a little different in Honduras, and it may be different again in Costa Rica, and none of these may match up with the models that we are familiar with in our own country.

Senator DODD. Well, one thing we know for certain: people don't like to give up power, I don't care what country they are in.

Mr. MICHEL. Sure.

Senator DODD. You tell some director of the National Guard who holds the rank of a military officer that that is a job he is going to have to disengage from and a title he is going to have to give up, I don't care whether he lives in Hartford, CT, or San Salvador—people, once they have achieved positions, do not like to jettison them. That is my point.

I think you are going to have a hell of a time trying to convince these people that they are all of a sudden going to have to give up positions of power, when it is the definition of rank and stature.

Mr. MICHEL. But you do have to set up a system that has its rewards, has its opportunities for career advancement, that will attract good people into this law enforcement career. You will have in some cases people in those jobs who will be attracted to them, who will have an aptitude for them, who will benefit from the training that is provided, who will benefit from the discussion with their colleagues that they pick up in the seminars, and who will really take to it.

And you will have other people who never will. They will consider this as secondary and that what really is important is traditional kinds of military activities, and then we will have to look for their successors.

But I do not think that we can expect to see, and I don't—we can think that it will just happen, that they reorganize their society to fit some preconceived notion that we have as to how it ought to be organized.

Senator DODD. I agree with that.

What is the reaction? I presume that something like this is an idea we have run by President Duarte or people within his administration, people like Vides Casanova——

Mr. MICHEL. Yes.

Senator DODD [continuing]. And others and discussed this with them. What has been their reaction to the political realities? Is it something that they support entirely? Do they have questions about it, or reservations about it?

What was their reaction?

Mr. MICHEL. Yes—and I think the reaction on the whole has been a very positive one.

It is an interesting thing for me because I think one of the things that makes me have said "democracy" 4,000 times in the course of this morning, and I will say it again, one of the things that I find really works about the policy of really trying to support democratic governments in this hemisphere, is that there is a great commonality of aspirations. How you get there, what you do, how you overcome the political obstacles can be maddening. That is going to differ greatly from country to country. But I think we start from very common aspirations.

I find this not just in El Salvador, but in most of the countries where I have talked to the senior people. They do want to see systems that are responsive, systems that are humane, for enforcement of the law and administration of justice, and I think that comes with the territory when you are standing for election. I really think that that is a difference that democratic governments make. They have to solve problems or they do not get reelected.

You know more about that than I, so I should not be talking to you about this.

Senator DODD. Well, I think that is so in theory. But I think also, given the absence in these countries of any long history of a democratic process, it is an extremely new experience for them despite the fact that over the years there have been cosmetic elections. In fact, I would argue that experience models—while they have not necessarily been democratic, certainly everyone has used that language over the years—the experience has been that if you want to succeed and get ahead, it was not through the democratic processes. I don't mean just politically, but financially and otherwise.

Mr. MICHEL. That's right.

Senator DODD. The younger people come in have seen "the most successful" members of the political-military-police structure not necessarily be the ones who have embraced the very ideals which you have just so eloquently expressed to this committee. If you do not shatter the old arrangements that are there and begin, as you have suggested, with an evolutionary process that could ultimately lead to that segregation, that honorable cadre of police that will not only be successful in retarding the advances of terrorism but also build the kind of credibility and confidence among the general population, which is what our goals are, it seems to me that we would be awfully naive. My concern is at the outset if that is what has to be done to achieve that goal, we should really make clear through this legislative process that that is what we would ultimately like to see happen.

My time has really gone over, Mr. Chairman, and I am sorry.

Mr. MICHEL. Well, I have the benefit of limited regional experience, so I am not disillusioned about this process. In the 3 years that I have been concentrating intently on Latin America, I have seen changes that are impressive to me.

It is never as fast as we would like it to be. It is never as fast as those within these countries who are trying to make the changes occur would like it to be. But it is changing.

Senator DODD. Thank you very much.

I apologize, Mr. Chairman, for the time.

Senator SARBANES. Mr. Chairman, may I put just a couple of additional questions to this witness?

Senator EVANS. Yes.

Let me say that we do have five other witnesses, and some of them have time constraints also.

Senator Sarbanes, go ahead.

Senator SARBANES. Thank you.

First, I would like to know where the definition is of terrorism that governs the use of the traditional military assistance so that this money does not simply amount to a $27 million increase in military assistance.

It would seem to me that strengthening the ability of their armed forces to combat terrorism would, in effect, encompass virtually any military activity. So, in effect, what is being sought here is a $27 million increase in authorization for military assistance.

Where is the definition of terrorism that restricts that?

Mr. MICHEL. I don't think we have tried in any program to define terrorism in the sense of reducing it to a verbal formula.

What we have done is provide materials to the committee that describes the content of the programs to show the nature of the training that would be provided, the nature of the equipment that would be provided, the kinds of skills that would be developed which lend themselves to hostage rescue, handling explosives, dealing with those kinds of incidents that are commonly recognized as terrorist incidents.

We can certainly provide more detailed information, and we will be providing notifications to you as these programs develop as to the specifics. The intention, Senator Sarbanes, is to concentrate these funds on those kinds of skills and equipment that we use ourselves in dealing with what we consider to be terrorism, with the intention that we are going to have to come back to Congress if we want to continue.

Senator **Sarbanes**. But you could do that now, could you not?

Mr. **Michel**. We could provide you with details about program content?

Senator **Sarbanes**. No. Could you use the military funds that are now being provided for this purpose?

Mr. **Michel**. Yes, we could.

Senator **Sarbanes**. In fact, you are doing it.

Mr. **Michel**. With that one exception of Guatemala that we discussed earlier.

Senator **Sarbanes**. Leaving that aside, in the other countries, the military funds now being provided could be used for this purpose?

Mr. **Michel**. Yes, sir.

Senator **Sarbanes**. So, in effect, it is just an increase in the amount of military funds?

Mr. **Michel**. That's right.

Senator **Sarbanes**. All right.

Now, on the Guatemala situation, what is the time period that creates such concern for you? When is the election?

Mr. **Michel**. The election is December 8.

Senator **Sarbanes**. When would the government take power?

Mr. **Michel**. January 14.

Senator **Sarbanes**. All right.

Now, on the anti-terrorism money, I understand that you have an authorization for anti-terrorism assistance in the legislation moving through the Congress worldwide of about $10 million or $9.8 million. Is that right?

Mr. **Michel**. It is $9.8 million that has been authorized, and that money has not been appropriated. At present, we are under a continuing resolution, which has a $5 million limit.

Senator **Sarbanes**. All right.

You are proposing, in effect, to quadruple this program?

Mr. **Michel**. We are proposing, that's right, to quadruple the program in terms of dollar amount.

Senator **Sarbanes**. And earmark at least 75 percent of it for the countries spelled out here, is that correct?

Mr. **Michel**. Wait just a minute.

My math is not right.

What we are doing in the anti-terrorism program is the $26 million, added to the $9.8 that has already been authorized worldwide.

Senator **Sarbanes**. All right.

Mr. **Michel**. That is maybe tripling it almost.

Senator **Sarbanes**. It is almost a quadrupling. You are taking it from $9.84 million to $35.84 million—virtually a quadrupling.

Mr. **Michel**. OK.

Senator **Sarbanes**. And of the $35.84 million, you are earmarking almost 75 percent of it for these countries.

Mr. **Michel**. That's right.

We are also seeking to be able to do more in the area of equipment and in-country training so that it can have a more immediate impact.

Senator SARBANES. Now, the current law and the $9.84 million limits put or puts a ceiling on equipment. Is that right?

Mr. MICHEL. That's right.

Senator SARBANES. The argument for that, I take it, is that you wanted to train people, you wanted to instill professionalism in them and teach them law enforcement standards.

Mr. MICHEL. That's right.

Senator SARBANES. So a limit was put on equipment at least to ensure that the money couldn't go for hardware, as opposed to going to these training purposes, about which you spoke with Senator Dodd.

Mr. MICHEL. Yes.

Senator SARBANES. Now you propose to eliminate that ceiling altogether?

Mr. MICHEL. For these funds. The $325,000 ceiling would remain in the law for the $9.8 million. We would have the special program for Central America, and, again, we have provided breakdowns of program content to the committee that would emphasize training, but would also take into account the fact that they do not have police cars to get from one point to another, they don't have radios to communicate with their people out on the street. There is a genuine equipment need that is a part of the immediate problem.

So we have sought relief from the ceiling.

Senator SARBANES. But the way we address that need, though, is to eliminate the restraint altogether.

Mr. MICHEL. We eliminate the restraint as a preordained cap in the law and we substitute for that a request that you allow us to present these programs to you under the prior notice provision, and rely upon the intention to carry out the kinds of programs we have described to you in these hearings and rely upon the fact that we are dependent upon you for continuation of those programs beyond the current fiscal year.

We intend to provide programs that emphasize training but that also respond to equipment needs.

Senator SARBANES. Thank you.

Thank you, Mr. Chairman.

Senator EVANS. Thank you.

I think that ends an extensive and informative discussion. We thank you, Mr. Michel.

Let me announce that I would want to switch panels 2 and 3. We have some severe time constraints that relate to some of our witnesses.

So, I would call to the witness table now Mr. Pat Holt, former staff director of the Committee on Foreign Relations, Dr. Luis Aguilar, of Georgetown University, and Prof. Patrick Murphy, former Commissioner of Police in New York City and former president of the Police Foundation.

Gentlemen, we appreciate very much your being here.

I would ask that any prepared statements be entered into the record in their entirety. If you could encapsulize your remarks, we will have our rounds of questioning limited to 5 minutes on the first round.

Dr. Aguilar, I would ask you to go first. I understand that you have some time constraints that are rapidly approaching.

STATEMENT OF LUIS E. AGUILAR, PROFESSOR OF HISTORY, GEORGETOWN UNIVERSITY

Mr. AGUILAR. Thank you very much, Mr. Chairman. I am going to be very brief.

I think that my position in essence is this. Anyone who looks at the record or the history of Central America should be quite concerned about the democratic process. There is no doubt that the tradition in Central America has been one of authoritarian governmental dictatorships and even terror by the state.

Now that sort of concern and to a certain extent pessimism should also take into account two very important phenomena. I should have said three. Not only have the people in Central America shown a desire for democracy, but in all of Latin America in the last 10 years, the people have defied terrorism of the right and terrorism of the left to try to go to the polls and vote.

Second, this democratization that is taking place in Latin America is a fragile movement that is always in danger because of interest groups and pressures and because they are below a political level that requires the complexity of a democratic government.

I always remember, and I will just for a minute remind this group, of the definition of democracy, because I think that democracy, as any political concept, is subject to variation and interpretation. I was very impressed a few years ago in Peru, when a peasant leader who I interviewed told me something. I asked him what is democracy for you, and after some hesitation he answered—and allow me to say it first in Spanish and I will immediately translate—he answered, "La democracia es el derecho que yo tengo que nadie me pegen." This means democracy is the right I have not to be beaten up.

So it was not a political comment, but it was in my opinion a good definition.

So the United States should try to help and encourage any movement, even if it is only a pragmatic one, even if it is only a small step, even if it is a fragile intention, toward democracy in Central America. I say this even more so because those governments are dealing with a new type of enemy.

It is in my opinion a little bit of a mistake to consider the revolutionaries or terrorism today as a perspective of the past. These are not Emiliano Zapata, or Sandino, or any of the figures of the past. These are well organized, professional, revolutionary, terrorist groups that have the advantage for the first time in the history of the region of discipline, propaganda, and a central command which is usually beyond the reach of the governments or the nations they are threatening.

So, in terms of propaganda, the actions of a democratic government could respond to that. In terms of peasant guerrilla, or rural guerrilla, the case of El Salvador has shown that the army could beat them. But in terms of terrorism, well organized terrorism, I think these nations are very, very weak.

So this plan, with all the caution that I have head here, is a good step, or a step in the right direction.

The last point I want to make is that terrorism, which is usually a crime that is politically motivated, should not be considered only as a protest against military regimes or brought out of desperation.

In many cases, when a democratic government is in power or democracy is beginning to grow in a nation, terrorism is a system to provoke the armed forces toward a brutal reaction or toward taking power, because that is many times what Marxist propaganda calls to "unmask the bourgeoisie toward democracy."

So we must try to help all those governments and all those forces that are really trying to promote a certain measure of democracy to be able to defend themselves from this new enemy.

[See appendix.]

Senator EVANS. Thank you, Mr. Aguilar.

Mr. Murphy.

STATEMENT OF PROF. PATRICK MURPHY, FORMER COMMISSIONER OF POLICE IN NEW YORK CITY, AND FORMER PRESIDENT, POLICE FOUNDATION

Mr. MURPHY. Thank you, Mr. Chairman.

I have a very short, informal statement. I was asked to participate only a few days ago.

My background is in police work and police training in the United States, and so I have a very narrow sphere of experience which I hope may be of some value to the committee.

I am favorably impressed by aspects of this proposal because it would involve the FBI and urban police departments, as I understand it, in the training process in some way or another, and I feel that is very important.

I was happy to hear the word "democracy" repeated so many times here this morning. Of course, the germ of democracy is a democratic police.

There is nothing more important to the possibility of democracy than having a police department that supports freedom and all of the principles of democracy.

So, as I have indicated, I am very limited in what I can contribute. But from my own experience in police training and in police administration in the United States, I believe that there is a significant potential in providing good training. I have personally observed its impact on police officers. I don't mean to suggest for a minute that whoever wields the ultimate power over the police will not be very powerful. And yet, the attitudes of individual police officers are very important, in my opinion. I think a good program and good training can begin the process of developing more positive attitudes among a civilian and a police establishment that will grow in these countries.

So I am happy to support that aspect of the proposal and am happy to be with you today and to respond to any of your questions.

Thank you.

Senator **Evans**. Thank you.
Mr. Holt.

STATEMENT OF PAT HOLT, FORMER STAFF DIRECTOR, COMMITTEE ON FOREIGN RELATIONS

Mr. **Holt**. Thank you, Mr. Chairman.

I was a member of the professional staff of this committee from 1950 to 1977, and during more than half of that time, I was the staff member principally concerned with Latin American affairs.

That is how I became involved with the old Public Safety Program, which was an outgrowth of the Counter-insurgency Program, which is something that the Kennedy administration put a lot of emphasis on.

The idea of public safety was to make good police forces out of bad ones. But it caused very severe problems for the United States in terms of image, public relations, and international political relations, particularly beginning in Brazil, in the aftermath of the military seizure of power following the overthrow of President Goulart in 1964.

There were draconian measures of political repression undertaken in Brazil. We had an AID public safety mission down there trying to teach the police how to question a witness without beating him up.

A lot of Brazilians thought that we were in cahoots with the Brazilian police who were, in fact, beating people up.

The same thing was going on in Uruguay. A box office hit movie called "State of Seige" was made about the murder of an American public safety advisor in Uruguay.

So the Foreign Relations Committee investigated this and all of the Public Safety Program.

I worked very hard over a period of years to see if there was any justification for the complaints which we heard about American complicity in foreign police torture. I could find no justification whatsoever. But that did not solve the problem because people believed there was justification.

It is difficult to recall the depth and breadth of this feeling in Latin America during the 1960's and early 1970's. And so, finally, Congress ended the program.

Now, besides the image thing, there were two or three other things wrong with it which I will go over very quickly.

You can give training to a foreign police force, but you have no control over how the police officers are going to use that training after they have gotten it from you. They can use it to catch car thieves, they can use it to catch terrorists, they can use it to watch political opponents of the governments, and some governments tend to equate political opponents with terrorists.

You have no control over how they are going to use the equipment which you give them. And you are transferring all of these things to police forces which operate without any of the political and judicial restraints to which police forces are subject in the United States.

When I see a police car in my neighborhood, I am reassured. I am glad he is there. When a Guatemalan sees one, he is scared. He wants to go and hide. That is a very difficult thing to overcome.

Just to end, I want to be sure you are aware of the political costs which are involved in embarking on a program like this again because whether it works or not, a lot of the image of the United States is going to be tarnished not in minds of a lot of people.

Thank you.

Senator EVANS. Mr. Holt, let me follow up on that. I think I would have to comment, and maybe Mr. Murphy might agree or disagree with this.

I suspect there are neighborhoods in this country where people do not feel reassured when a police car shows up, but have quite the contrary feeling.

Would you agree, Mr. Murphy?

Mr. MURPHY. I agree.

Mr. HOLT. I am sure that is so.

As a part of our investigation of this, I interviewed in some depth every public safety technician in Brazil, in Guatemala, and in the Dominican Republic, and an extraordinary number of them came out of the Los Angeles Police Department. I was just thinking during Mr. Murphy's presentation a little while ago that the Los Angeles Police Department is not exactly the most popular organization in some of the Chicano neighborhoods of Los Angeles. But there is scarcely a week that goes by that you do not read somewhere in the newspaper about a police force instituting an investigation of allegations of police brutality.

There are political mechanisms, there are judicial mechanisms in the United States for dealing with this. But these are absent in Central America.

Senator EVANS. Do you suggest, Mr. Holt, that the same situation politically exists in Central and South America today as in the early 1970's, when you were last active?

Mr. HOLT. I do not see any substantial change. I think it is probably worse, as a matter of fact.

Senator EVANS. There have been no changes, no moves toward democratic government in any of those countries?

Mr. HOLT. Well, there has been a little in Salvador, but they have such a problem with public order. I don't see that it has changed any in Guatemala. I have my fingers crossed about what is happening down there. We have been through all of this before in Guatemala, and it did not last very long.

Senator EVANS. Do you suggest, Mr. Holt, that there is no opportunity to govern what happens once that aid is given for police training or police equipment? Would the same thing also be true with military aid?

Mr. HOLT. To a very large extent, yes. That is why we got into the whole problem arising from the Turkish intervention in Cyprus back 10 or 15 years ago.

Senator EVANS. Are you suggesting that we cut off all military aid as a result?

Mr. HOLT. Well, I'd sure be awfully careful with it in Central America, I'll tell you. Awfully careful.

Senator Evans. Dr. Aguilar, would you comment on your view of the differences, if there are any, between the political situation which existed in Central and South America, particularly Central America, in the early 1970's and today.

Mr. Aguilar. Well, in the first place, I would insist a little bit on the point that I made before, which is that the fact that in the past this movement had failed—and that is true—should not deter the United States from trying again. We cannot accept the pessimistic view that because it happened before it will happen again.

I think that what has changed in Central America, and in most of Latin America, is this. There are some changes first in what has been called the "revolution of expectation" that has taken place. It has affected several sectors of the Central American population.

Second, I was surprised to find out how many of the Salvadoran and Guatemalan people from Central America, who have come to the United States and returned to their countries, have influenced the opinions there, at least provoking a certain maturity in the political level of the nation.

Third, I think that there are many, many thousands of people in Central America who are quite concerned now about the possibility of a Communist takeover. For example, that is why I mentioned how the people in El Salvador and in Guatemala, but specifically in El Salvador, have gone to the polls, even under the threat of being shot at by the guerrillas.

I think that those emotions, those feelings, and those tendencies are there and should be encouraged and we should not say to them that because it happened before, they will never get anywhere into a democratic regime—democratic according to Central American standards.

If we try to apply the measure of the U.S. system, then they will never reach that level or be like that. But we all tend to accept Mexico as a democracy. If you were to apply the United States' values to Mexico, I would say it is very debatable that Mexico is a democracy.

But Mexico is a democracy.

Senator Evans. Thank you.

Senator Pell.

Senator Pell. Thank you, Mr. Chairman.

Addressing Pat Holt for a moment, it is very nice to welcome you back to your old home here, your old quarters.

Mr. Holt. Thank you, Senator.

Senator Pell. What do you see as any differences between the Public Safety Program that we experienced in the 1960's and the one that is being proposed now?

Mr. Holt. I am not familiar in detail with what is being proposed now, but I did have an opportunity to look at Mr. Abrams' presentation of last week and to hear Mr. Michel this morning, and I had a very strong sense of deja vu.

Senator Pell. Or, as I mentioned earlier, to recall Santayana's phrase, those who forget the lessons of history are condemned to repeat them.

I think it looks pretty inevitable that the votes are there, the administration is strong and popular, and we are going to move ahead with some form of program of this sort. Do you have any positive recommendations as to how to avoid the extremes that followed the previous Public Safety Program?

Mr. HOLT. I think that both the Senate and the administration need to be very clear about precisely what it is they are doing with these things. You should run it through a political cost-benefit analysis.

There is a problem of terrorism in Central America, there is no doubt about it. There has been a problem with insurgency for a long time, both in Central America and elsewhere. We have regularly been told that the insurgents have been controlled, and then they pop up again somewhere. The Philippines is an outstanding example of that.

I think there is a great tendency on the part of the executive branch—and I am not talking about the Reagan administration; I am talking about in general in this country. My experience started with the Truman administration and I have dealt with the White House in every administration from Truman to Carter. I think there is a great tendency to rediscover the wheel, and start rolling one with an excess of enthusiasm.

I would proceed with very great care and on a very small and limited scale. For those little countries in Central America $55 million strikes me as very excessive.

Senator PELL. Excuse me, but is there a vote going on in the Labor Committee?

Senator KERRY. No, they have adjourned. It is after 2 o'clock.

Senator PELL. Thank you.

I would also like to ask a question of Mr. Murphy.

Do you see the police training being very much the same, no matter what the country is, or do you think that such a program as this would have to be much adjusted in order to meet the needs of Central America?

Mr. MURPHY. I think other than a basic component about democratic policing, it would then have to vary depending upon the country, its history, and the environment.

I would like to make one point, however, Senator.

I think there has been an enormous change in the American police world in the past 15 years. I do not mean to overstate that in this context, but the American police today are much more representative of the communities they serve than they were 15 or 20 years ago. The number of black, Hispanic, and women police officers has changed.

The American police today are much more restrained in the use of force themselves, and the Garner decision by the Supreme Court in May carries this principle of restraint to the other 22 States that still had a fleeing felon rule. The police in the United States today are also much better educated than they were 15 years ago.

So, whatever that means, the police coming from the United States to offer training to people in these countries may be better equipped today than they were 15 years ago.

Senator PELL. Thank you very much.

My time is up.

Thank you, Mr. Chairman.

Senator EVANS. Senator Kerry.

Senator **Kerry**. Mr. Chairman, I do not have any questions for the panel, but I would like to ask if there is some way the committee might formally follow up on the suggestion that I made earlier. It just seems to me, as we hear the administration articulate what they would like to do, they are basing it on perceptions of change and improvement in currently administered programs, and articulation of present progress, particularly, for instance, in the specific area that I addressed with respect to the Administration of Justice Program, for instance, in El Salvador is not the only area of concern, and I recognize that.

But I wonder if we would not be doing a better job of making a judgment on this if we were to formally somehow set it up so that the minority and majority staff might make an evaluation over the course of the next week or two by, in fact, traveling there and dealing with those who have been dealing with it, like the Lawyer's Committee for International Human Rights, and report to the committee on what specifically their findings are with respect to the current program so that we have something harder on which to base our own judgment about how we should be responding to the current proposals.

I would certainly like to formally recommend that. I don't know if the Chair is able to say yes, we will do it, or whether it needs to be put into the form of a motion, or what. But I would like to see us do that.

Senator **Evans**. I will certainly carry that on to the chairman, and I think he would have to make a decision on that particular suggestion. I will pass it on to him immediately, and have him get back to the committee regarding what he wishes to do on that, but I don't think at this point that I could say any more.

Senator **Kerry**. I thank the chairman, and I do understand.

We are sitting here and we have heard testimony from this learned panel, one member of whom has spent more years than many of us here collectively on this committee, testifying to the repetition syndrome, if you will. It seems to me that we ought to be making a judgment about whether or not we are in the middle of one of those repetition episodes right now rather than really in a period of improvement.

I certainly would like to have that judgment in front of us.

Senator **Evans**. Thank you.

Are there other further questions to this panel?

Senator **Pell**. I just want to say that I think the suggestion of Senator Kerry has merit. I have seen these professional task force staff members go down and do a very useful job in bringing back information that is not otherwise available.

Senator **Evans**. Thank you.

Gentlemen, we thank you all very much.

Let me call now to the witness table our next panel, consisting of Dr. Robert Goldman, professor of law at the American University School of Law, on behalf of Americas Watch, and Ms. Nina H. Shea, program director of the International League for Human Rights.

Mr. Goldman, would you please proceed.

Oh, I'm sorry.

Senator Pell, did you have a comment?

Senator PELL. I would ask for unanimous consent to insert into the record a statement by a student that Mr. Holt had brought to my attention.

Senator EVANS. It will be entered into the record.

[See appendix.]

Senator EVANS. Mr. Goldman.

STATEMENT OF ROBERT K. GOLDMAN, PROFESSOR OF LAW, AMERICAN UNIVERSITY SCHOOL OF LAW, ON BEHALF OF AMERICAS WATCH

Mr. GOLDMAN. Thank you, Mr. Chairman.

I have cut down my prepared statement significantly.

I would like to indicate that Americas Watch does not oppose certain specific assistance to the governments of Central America to help them in meeting terrorist threats. Assistance for airport security, hostage rescue operations, and bomb detection and detonation, we believe, are appropriate ways for the United States to aid its allies in the region.

Indeed, this committee initiated such a program in 1983, with the Anti-terrorism Assistance Act.

Despite the 20-year legacy of the former Public Safety Program, which Pat Holt has described so well, the administration has provided no indication of what steps will be taken to prevent similar problems in its new program, and, indeed, I heard nothing this morning from Mr. Michel which would dispel my, and my organization's, doubts about this new proposal.

A recent operation, for example, by a U.S.-trained and financed police team in El Salvador is an example of the kinds of problems we might reasonably expect if the administration's counterterrorism proposal is adopted.

In early June, more than 100 heavily armed troops from the U.S.-trained police unit stormed a San Salvador hospital to break up a labor union strike. Doctors, nurses, and patients were ordered to lie down and many were tied up. One woman patient died when medical personnel were prevented from providing her with emergency care.

The soldiers also shot and killed four members of a police, that is, Salvadoran police, undercover squad in a case of mistaken identity. Two union leaders were captured by the police.

I would like to request that the June 3, 1985, New York Times report of this incident, which is attached to my testimony, be included in the record of this hearing.

Senator EVANS. It will be included.

Mr. GOLDMAN. Thank you, Senator.

The Salvadoran security forces' past involvement in the practice of torture is well-known to members of this committee. The fact is that this abuse is still ongoing. Americas Watch has received direct testimonies from political prisoners interviewed in prisons in El Salvador describing their torture by Salvadoran police.

I will skip over those statements which are amplified in my statement.

These incidents, which are depicted in my formal statement, indicate that prisoners, both male and female, continue to endure torture, sexual abuse, psychological threats, and long periods of incommunicado detention at the hands of Salvadoran police and other security authorities.

When the Congress partially waived the prohibition on police aid for El Salvador and Honduras in July 1985, a certification procedure was adopted to assure that U.S. assistance would not be made available to police forces engaged in the practices of torture, incommunicado detention, detentions of persons for their political views, and long-term detention without trial.

President Reagan's first certification under this provision on October 29 simply is contradicted by extensive available evidence to the contrary. The certification also claims, erroneously, that prisoner abuses and incommunicado detention have largely been remedied and that immediate notification is given to family and human rights organizations in virtually every arrest.

The President's certification similarly ignores altogether the requirement that the government make significant progress toward eliminating the practice of detaining persons for their political views.

Over 300 men and women continue to be held at Mariona and Ilopango prisons without trial. One hundred fifty-nine of these political prisoners were admitted between January and June of this year.

Because the holding of political prisoners violates the congressional certification requirement, the President simply chose to ignore it.

The President's certification also ignores the phenomena of death squad killings and disappearances which take place with the consent and, on some occasions, the active participation of Salvadoran security forces.

According to the Human Rights Office of the Archdiocese of San Salvador, death squad killings for the first 6 months of 1985, numbering 81, are more than double the number for the previous 6 months.

In the case of Guatemala, violations by its security forces are so great that the Congress took particular pains to withhold military assistance from that government until a civilian president has taken office and significant progress has been made in ending gross violations of human rights.

Although no such progress has taken place at all, the administration proposes to waive these newly enacted restrictions and immediately provide the Guatemalan police and security forces $5 million in counterterrorism assistance.

If the Congress is persuaded that existing programs are inadequate to provide legitimate counterterrorism assistance to deserving Central American governments, there are a number of ways that the administration's proposal should be modified. Americas Watch would like to propose a few suggestions in this regard.

First, all such assistance should be nonlethal.

Second, strict conditions should be enacted which prohibit assistance or training to forces engaged in the practices of torture, detention of political prisoners, disappearances, detentions without trial, and incommunicado detention.

Third, all aid and training should be explicitly directed toward legitimate counterterrorism efforts, such as hostage rescue, airport security, and bomb detection and detonation. The use of U.S. aid or training to break up labor union strikes or student demonstrations should be strictly forbidden.

It is not enough that the administration be called upon to provide human rights certifications.

This administration's past performance on certification reports should convince this committee of the need for the Congress itself to determine whether human rights conditions have been met.

This committee should also monitor the uses of any aid provided to insure that the recipients of such U.S. assistance and training are not inhibiting legitimate democratic activities, such as peaceable labor and student demonstrations.

Thank you, Mr. Chairman.

[See appendix.]

Senator EVANS. Thank you.

Ms. Shea.

STATEMENT OF NINA H. SHEA, PROGRAM DIRECTOR, INTERNATIONAL LEAGUE FOR HUMAN RIGHTS

Ms. SHEA. Thank you, Mr. Chairman.

I want to ask you to bear with me since I am suffering with a terrible cold.

Senator SARBANES. Could you pull the microphone a little closer, please.

Senator EVANS. Yes, I think that would help.

Senator SARBANES. If you talk right into it, then we will hear you better.

Ms. SHEA. Thank you.

The International League for Human Rights was founded in New York in 1942, and is among the oldest private general purpose human rights organizations in the world.

The league has consultative status with the U.N. and actively promotes human rights in all regions of the world, including in Central America.

I have been asked to testify today on the human rights situation in Central America in the context of the administration's request for additional funding for counterterrorism in that region. Because my time is limited, I will concentrate on El Salvador, the country in Central America which has received the most U.S. aid and training already, and the one which is slated to receive about 50 percent of the counterterrorism aid.

A consistent pattern of gross violations of human rights continues to be reported in El Salvador by all sources. According to the best estimates of the Catholic Church's Human Rights Office, some 870 civilians died in government-linked killings in the first 6 months of 1985.

And statistics do not tell the whole story. Psychological and/or physical torture by security forces is still frequently reported. Virtually all political detainees are imprisoned without trial or any due process of law whatsoever. Citizens are ruthlessly routed from their homes by government troops and made refugees without warning. Terror is still the daily reality of much of the population. El Salvador continues to be without institutional safeguards for the protection of human rights.

But the situation has not been entirely bleak. No massacres have been reported for over a year. The air force has become more controlled outside the battle areas though, as the director of the Church's Legal Office recently explained, "in the conflict zone the bombing is still indiscriminate."

Death squad killings, higher than in the last half of 1984, are, nevertheless, well below the mayhem of 2 or 3 years ago. Security forces now acknowledge when they have persons in custody, and political expression, including elections, strikes, and demonstrations, is freer.

These have been hopeful developments.

However, it is not obvious that they represent a firmly entrenched and continuing trend to respect human rights. There is very little evidence that the changes were the result of institutionalized and permanent reform.

On the other hand, there is ample evidence that the positive developments instead are short-term tactics to retain U.S. aid. There is a real danger that the situation could sharply deteriorate at any time.

In 1982, after a long and hard debate and compromise, U.S. aid to El Salvador was tied to improvements in human rights, land reform, and elections. Considerable pressure to stop the slaughter by Salvadoran security forces and squads with intimate ties to them was exerted by U.S. policy makers. Within 3 years, there were some 125 congressional visits and innumerable human rights delegations to El Salvador.

U.S. Ambassador Deane Hinton, Vice President George Bush, and others in the administration spoke out against the death squad violence. Gradually, the message was understood.

It seems apparent that, for the time being, there is a political will on the part of some Salvadoran authorities to curb the abuses. How long that resolve will prevail is uncertain, and whether it would continue with a more relaxed U.S. human rights policy, which an unconditional police aid program will epitomize, is most certainly doubtful.

A look at the key Salvadoran reforms attributed by the administration with bringing about positive change in El Salvador reveals that that country still lacks adequate institutionalized safeguards to protect the human rights of its citizens.

A principal structural reform, and the most significant in the league's opinion, has been the 1984 disbanding of the nefarious Intelligence Branch of the Treasury Police, a unit consistently implicated in murder, torture, and illegal detention of suspected government opponents. Predictably, atrocities attributable to the Treasury Police have declined as the force, capabilities, and authority of this murderous group have decreased.

Ironically, this positive step might well be reversed by the police counterterrorism program being considered by this committee today.

Another centerpiece of the reform has been the change of command and transfer of the National and Treasury Police and other key commanders implicated in violations.

For example, Lieutenant Colonel Dennis Moran, commander of the La Paz province, has been sent to a post in the United States. Colonel Nicholas Corranza, head of the Treasury Police, was transferred to West Germany. This cannot be considered anything but a short-term, cosmetic change. Such transfers are not punishments and in no way substitute for real justice, including an accountability for wrongdoing. That they can be back in command at any time has already been demonstrated.

In December 1980, Colonel Moran was head of the National Guard's intelligence unit when the four American church women were killed by members of that security force. A few months later, U.S. labor advisers were gunned down in the Salvador Sheraton. Moran was at the scene of the crime then, too. Following these incidents, Moran was transferred for 2 years to various Salvadoran embassies in South America. In 1983, General Vides Casanova brought him back to command the garrison in Zacatecoluca, the very place where the nuns' murder case was at that time being tried.

A number of others, part of an extreme rightwing clique of the military, dominated by Colonal Corranza, were forced out of any significant role in the army or nation by Defense Minister Garcia in the early 1980's. After General Vides Casanova took over the Defense Ministry in April 1983, Corranza and the other officers reemerged with renewed authority.

A third set of reforms implemented by President Duarte relates to instructions and handbooks on human rights and on rules of military engagement and humanitarian law. While such initiatives should be encouraged, they are not new to El Salvador. Since 1982, the military high command has been issuing pages and pages of rules promoting the observance of human rights, while the International Committee of the Red Cross has issued its own handbook and has been giving instructions to soldiers in their barracks on the humanitarian laws of war. This approach had not been very effective.

Prospects for human rights, even in the immediate future, are uncertain. Safeguards against abuse have not been institutionalized. All has hinged simply on the resolve and goodwill of the authority of the Salvadoran security forces.

The situation is even more unsure as President Duarte's own tenure is precarious. Duarte now faces a near-bankrupt economy, conflicting demands from labor and business, and a prolonged war. According to the international press, in October a group of army officers accused Duarte of endangering the national security and the way in which he handled his daughter's kidnapping, and asked the high command to consider replacing him. The Salvadoran far right also recently placed ads in the paper calling Duarte a traitor and virtually calling for a military coup.

It is too early to say what the human rights situation will be next year or even next month.

In light of the extreme level of carnage and torture in El Salvador just a few years ago and the hundreds of killings and other serious violations which persist there today, and given the lack of institutional structural safeguards for human rights, the International League for Human Rights opposes U.S. training and funding of Salvadoran police forces. While we recognize the recent serious terrorist acts of leftist guerrillas, we believe that such a police program could well contribute to the unwarranted torture and killing of civilians.

Our conclusion is also in part based on the poor human rights record of U.S.-trained police throughout the Third World during the 20-year history of the old public safety program.

In reaching our judgment on the advisability of this program in El Salvador and other Third World nations, we addressed the actual nature, structure, purpose, activities, et cetera, of the police forces which the administration is proposing to strengthen. I would like to say a few brief words about the three police forces in El Salvador.

The National Guard is a 3,500 man rural constabulary, created in the 1920's on the model of the Spanish Guardia Civil. The National Police, the only urban force, has nearly 4,000 members. The Treasury Police, a body formerly charged with controlling customs, borders, et cetera, now has no clear role and has nearly 2,000 members. These security forces are currently all under the control of the Ministry of Defense and are largely commanded by army officer graduates of the military academy. These forces, notably the National Guard and the Treasury Police, have been the principal perpetrators of indiscriminate violence against dissidents. They have been used by the traditional rural elite against peasant organizations, agrarian reform, and potential troublemakers. The Treasury Police also maintained an extensive network of rural informers.

These security forces do much of the military's dirty work of maintaining control and eliminating subversives. Maintaining a good social order or even general law enforcement has not appeared to be their perceived mandate.

If we were to attempt to place Salvadoran police forces in a typology of security forces such as that developed by sociologist-professor Morris Janowitz of the University of Chicago, they would fit squarely into a national paramilitary force category. They wear military uniforms, live in barracks, their leaders have military rank, and they support the goals and actions of the military. Yet they are not integrated into the armed forces or disciplined by them, nor do they have a highly developed vertical command within each force.

They should not be presumed to be the functional equivalent of any one of the 17,000 decentralized civilian police forces in the United States or even our national civilian intelligence groups.

In El Salvador, I met the directors and visited the headquarters of both the National and Treasury Police forces. At that time, Colonel Reynaldo Lopez Nuila directed the National Police. He was considered by the Reagan administration to be a reform-minded officer and was one of the members of the Salvadoran Government's Human Rights Committee.

Colonel Lopez Nuila gave my mission team, including the former dean of the University of Pennsylvania Medical School, a tour of the baroque, stone, fortress-like building which is still police headquarters. It can only be described as a dungeon.

We were taken to subterranean, ventless, unlit, and unsanitary cells, each containing one or two prisoners. Some had ceilings which were only 6 feet high, contributing to the claustrophobic feeling.

We also were taken past a room where clubs and plastic hoods were in plain view. When we asked what they were used for, Lopez Nuila told us that they were captured from the guerrillas.

Later, in the Justice Ministry's prisons, we interviewed over 30 political detainees. Nearly all had accounts of being beaten, raped, burned, or brought to near suffocation with rubber masks or hoods while at the National Police headquarters.

We have, and we think this committee should have serious doubts about the consequences of providing significant support and attempting to train these forces. The chances of the police training program having positive results is nearly nonexistent in our opinion.

Thank you, Mr. Chairman.

Senator EVANS. Thank you.

First, I would make a general observation. It sounds to me like both Mr. Goldman and Ms. Shea are suggesting that things have been awful, they are getting better, they have not been institutionalized, so we should not help but wait and see what happens.

Isn't that an absolutely marvellous prescription for failure? If things are getting better, if they are trying to do a job, and if they are some distance perhaps from perfection, and we back off and watch to see what happens, what chances are there? How are they going to get better?

Ms. SHEA. Mr. Chairman, I would like to answer that by saying that we are already involved in training their military forces.

Senator EVANS. I am talking about the police forces now.

Ms. SHEA. These police forces are not really police forces. They do not fit in with our general notion of police forces. They are paramilitary forces. They are neither fish nor fowl, and I think it would be a serious mistake in getting involved with them.

Senator EVANS. Did you hear the testimony that the whole intent was to move toward that separation, toward that civil authority of the police rather than the paramilitary?

Ms. SHEA. Yes, I did. I know that in other countries, where training of existing corrupt and abusive forces has been tried with considerable resolve on the part of the government, such as in Spain, there is persistent torture and persistent abuses by those forces. I think that is a problem in which the United States should not get involved with at this point.

Senator EVANS. I do not think there is a suggestion that any aid be given to Spain, is there?

Ms. SHEA. No.

I am just saying that the Spanish Government was trying to control its own forces after the Franco Government left, and has been having tremendous difficulty in controlling its forces.

Senator EVANS. You said that there had been changes for the better and I think your statement was that it is not obvious yet that this is part of any permanent reform, but rather it is to retain access to U.S. aid. Is that a pretty good argument for continuing U.S. aid, if it has the desired effect?

Ms. SHEA. Conditioned U.S. aid. I don't think it should be unconditioned.

Senator EVANS. Is this, in your view, unconditioned?

Ms. SHEA. Yes, it is.

Mr. GOLDMAN. Senator, if I could respond, I wanted to correct a statement, and that is that Americas Watch has said that we would support certain forms of what we consider to be legitimate aid in dealing with nonideological types of events that would generally meet an internationally acceptable definition of terrorism; such as an indiscriminate placing of a bomb in a marketplace, not aimed at governmental authorities, that is calculated to spread terror and where the object of the intended harm would be protected persons or the civilian population.

What we are concerned about, and what I think Pat Holt eloquently indicated, is that it was U.S. aid that, over a long period of time, helped to create the monsters which the United States is having to cope with today in Salvador and particularly in Guatemala. The simple fact is that American Watch does not believe, and I think most other nongovernmental organizations that have done on-sites to Guatemala—I have been three times to Guatemala—believe that there has been any change whatsoever in the situation there. The police tend to be efficient and brutal. For the United States to have an open-ended policy in which we have only the good statements and intentions of the Department of State that things will go well and that the United States will not repeat the kinds of mistakes that were made in the past simply gives one, I think, reason for concern.

It would be far better to see whether or not there is, in fact, a democratic transition and, then, to reassess at that time if the civilian President can get control of the armed forces and the police and, finally, some form of rule of law, whether or not the United States wants to become identified with assisting that regime.

At the present, I would just add that if the United States is concerned, as Mr. Michel has said, about the transition period, I would merely note that the Guatemalan armed forces are supremely capable of protecting anyone from any harm if it so chooses; or, we could send Pinkertons down through a special authorization to accomplish that purpose, rather than having an open-ended program such as this.

Senator EVANS. Do either of you believe that the recent improvements in the Salvadoran Army and its operations had anything to do with U.S. aid?

Ms. SHEA. I think that the nature of the U.S. compromise with human rights conditions, with the carrot and stick approach, and with the reprimands by administration officials and all the congressional visits to El Salvador monitoring the situation, I think that combined preserve produced some positive changes in the last 2 years.

Senator EVANS. Then the answer is yes?

Ms. SHEA. Well, I would not say that the money alone produced the change.

Senator EVANS. I doubt very much that this would be just money alone either—would it? Wouldn't all of the same other factors be involved in this kind of appropriation, as well as any other kind of appropriation?

Ms. SHEA. Well, as far as I can tell, Mr. Chairman, there are no human rights conditions on this proposed aid.

Senator EVANS. Mr. Goldman, did U.S. aid have anything to do with the improvements in the actions and abilities of the El Salvadoran Army?

Mr. GOLDMAN. I would say that the conditioning and the congressional oversight, to the extent that one could say the certification process at least forced the administration to come before the Congress and to present its case, and then have contrary evidence presented by nongovernmental organizations and other bodies, together with the role of the International Committee of the Red Cross in training troops in the field in humanitarian law, and political realities have brought about some positive changes.

Senator EVANS. Well, with all of those caveats, would we have been better off not to give aid? Then we would not have had to worry about all of these operations.

Mr. GOLDMAN. Well, Americas Watch has testified before this committee many times in which our position has been that the law of the United States under section 502(b) precludes military assistance to governments that engage in certain human rights practices.

Consequently, we have opposed, as a human rights organization with a narrow mandate, the providing of assistance to El Salvador.

On the other hand, we have continued to monitor the situation there and have a full-time lawyer in San Salvador to go to prisons and to investigate allegations of abuses by both parties to the conflict there. We have presented that information to the Congress as well as to the public through periodic publications.

So I would say, again, that we have opposed military assistance. To the extent that that assistance has been conditioned and or the Reagan administration has realized that the Congress of the United States demands that certain improvements take place, that has had a beneficial effect.

Senator EVANS. Through all of that, I guess the answer is yes, that we have been better off to provide aid than not to provide it.

Mr. GOLDMAN. I am not entirely positive that that would be the case. What the long term result will be by the identification of the United States with repressive regimes, for example, through the diplomatic support which the Reagan administration has given in attempting to rehabilitate at least three different regimes in Guatemala remains to be seen. The United States has become identified in this hemisphere, as well as throughout the world, with the repressive policies of the Rios Montt government and now with the Mejilla government. I do not think that this identification has served us well.

Senator EVANS. But the question did not have anything to do with Guatemala. I was asking about El Salvador.

Mr. GOLDMAN. In the case of El Salvador, I still think it is an open question.

Senator EVANS. Senator Sarbanes.

Senator SARBANES. Let me pursue that line of questioning.

To the extent that you think it is an open question, isn't it because the conditionality attached to the assistance and the congressional involvement and oversight may in fact have induced or brought about some of the positive developments that have taken place?

Mr. GOLDMAN. I think to some extent yes, sir.

Senator SARBANES. What do you think, Ms. Shea?

Ms. SHEA. Yes, I think that we have seen some very positive developments in the last 2 years. It is still a gross violator of human rights and I think people tend to forget that, that there are still hundreds of unwarranted killings in El Salvador this year. It has only been 2 short years since there was an absolute bloodbath there.

I think that we should not go rushing in at this point in trying to strengthen a paramilitary force which does not have a strong vertical chain of command. It is not a disciplined force. It is not really accountable to anyone. It is not part of the military, but yet it is not civilian.

Senator SARBANES. Of course, this proposal would drop the condition and that effort to bring about the desired result, in harness with providing the aid, which just seems to me is one of the difficulties associated with the proposal.

Mr. Goldman, let me ask you about Guatemala. In your view, if the civilian government takes over, should we try to provide conditioned aid as a way of giving them some support and strengthening their own hand internally to try to change the situation?

Mr. GOLDMAN. I would certainly wait and see and would not exactly rush into providing arms.

In the conversations that I have had with Guatemalan military leaders, they have indicated that they are pleased with the arms they have received from the Israelis, they have had to fight this war basically alone over time, that they did not need U.S. arms and that they were not going to have the United States tell them what they were going to do. They have been very vigorous, efficient, and brutal in the countryside, as you probably know.

Now, whether or not what Guatemala needs now is additional sophisticated weapons from the United States to replace the Israeli arms is highly questionable. It seems to me that the United States, in particular this administration, has seen as a panacea for establishing better relations throughout this hemisphere the offering of arms to a new or incipient democratic regime. That I do not think is going to be the major solution to Guatemala's problems. That is not going to be the best way of signaling to the Guatemalans United States support for the beginning of institutionalizing democratic processes.

As I think Pat Holt indicated, we have seen this happen before in Guatemala. It remains to be seen whether or not a president, a democratic president, can actually get control over the armed forces there.

What I also am concerned about, and I think you reflected this concern, Senator, about this particular legislative proposal, is that it contains no operative standard as to what constitutes terrorism. We are dealing with areas where there are clear-cut legal distinctions between terrorism and legitimate dissent, but we are dealing in countries where the police forces, for instance, such as those in Guatemala, have always tended to equate political dissent with terrorism as well as with subversion. Dissent and terrorism are interchangeable for them. What kinds of restrictions are going to be put on these people? What kinds of controls are we going to have?

This is not the way of going about helping to foster democratic processes in Guatemala.

Senator **Sarbanes**. Thank you.

Senator **Evans**. Thank you.

It has been requested that the record be left open for the remainder of the day for any further questions that may be submitted in writing for any of the witnesses today. We will leave the record open for the remainder of the day.

With that, this hearing is closed.

[Whereupon, at 12:43 p.m., the hearing adjourned, subject to call of the Chair.]

APPENDIX

PREPARED STATEMENT OF ELLIOT ABRAMS

Mr. Chairman:

It is a pleasure to appear before you today to testify on behalf of S. 1757, the Administration's proposal for an urgent new program to combat the rising threat of terrorism in Central America. I appreciate this opportunity to review the threat in the region and the program we are proposing to secure the advance of democracy there. With me today is LTG Phillip Gast.

The Administration is seeking legislative authority and funding to initiate a Central American Counterterrorism Program. S. 1757 would authorize $54 million for military and civilian counterterrorism assistance for El Salvador, Honduras, Panama, Guatemala, and Costa Rica. The bill also authorizes assistance for Belize, although no program for that country is intended at this time.

One-half of the amount requested, $27 million, will be dedicated to the establishment of a specialized military counterterrorism assistance program to be called the Regional Enhanced Counterterrorism Assistance Program (RECAP). The military counterterrorism assistance program will be administered by the Department of Defense under the authority of chapter 2 of part II of the Foreign Assistance Act. We are seeking an additional $26 million for a Law Enforcement Counterterrorism Assistance Program (LECTAP) to be administered by the Department of State under the authority of chapter 8 of part II of the Foreign Assistance Act. The bill provides exceptions from the operational constraints on the location of training, and on types and quantities of equipment, that otherwise apply under chapter 8. An additional amount up to $1 million would be allocated to the Secretary of State for a fund to meet the costs of protection for individuals who cooperate with the United States in counterterrorism matters.

THE RISING TERRORISM THREAT IN CENTRAL AMERICA

We are confronting a rising terrorist threat in Central America. The return to democratic civilian government in Central America and progress by elected governments in defeating the guerrilla challenge is being met with increasing resort to terrorism as a deliberate tactic by communist guerrillas. We have seen the most blatant terrorist attacks in El Salvador. However, available information also indicates increasing threats against Honduras, Guatemala, and Costa Rica. The possibility of terrorism in Panama poses a threat to strategic U.S. interests there.

The threat, in El Salvador in particular, is changing in character, at least partially because of the success that government military organizations have had in combatting insurgency in the countryside. We have noted over the past year an increasing shift to the use of indiscriminate terrorist violence in the cities, often directed against individuals. The tragic murder of four US Marines, two US citizens and seven other persons in San Salvador last June was a striking example of this shift in tactics. In addition, 23 mayors and other officials and citizens of El Salvador have been kidnapped, the most notable being the daughter of President Duarte. In thanking President Reagan, the Congress and American people for support and assistance during the kidnapping of his daughter, President Duarte told the National Press Club last Thursday that

"In Central America, in my own country, countless persons from all walks of life, and in the case of my family, my daughter Ines Guadalupe, would not have been victims of the merciless violence of the terrorists if terrorists did not have the support, direction, approval and timely protection of the terrorist dictatorship in Nicaragua. Nicaragua is the Central American source for totalitarianism and violence, and is the sanctuary for terrorists. The Salvadoran guerillas, whose headquarter is in Managua, have been trained, sheltered, armed, and helped by the totalitarian governments of Nicaragua and Cuba with the support of the P.L.O. and counties such as Libya. I ask if terrorism could be possible without the assistance given by governments that, like Nicaragua, show total disregard for all the principles and rules of international law."

President Duarte's speech reaffirms our belief that the pattern in El Salvador may well repeat itself elsewhere in Central America. The new challenge must be met with an adequate response by the US, for the challenge and the terrorism is aimed as much at us as at our friends in the region.

POLICY REVIEW AND CONCLUSIONS

In the wake of the June 19 murders in El Salvador we conducted an intensive review of the political and security situation in the region. We reached several conclusions.

First, passive measures to increase security of U.S. personnel and facilities, while essential, are not sufficient unto themselves. When outside the Embassy, U.S. personnel are primarily dependent on the police for physical security. Private American citizens, of course, are even more dependent on local authorities. The police, who should provide the first line of defense, are inadequately trained and equipped to provide such security.

Second, terrorism is not only a threat to our people and facilities, but also to the survival of nascent and fragile democratic institutions our policy supports. Our objective should be not only to secure our own physical safety of U.S. personnel but also to support the efforts of friendly governments in the region to achieve and maintain a secure environment for democratic reforms and equitable economic development.

Third, we and the local governments are being tested. In the absence of a response, terrorists who have experienced success will do more, their activities will be emulated elsewhere, serious questions will arise as to the policy, will and capability of both the U.S. and local governments, and the political stability of local governments will be undermined. A strong response is needed to show terrorists their tactics will not work and to bolster the position of the local governments.

Fourth, the prohibition on U.S. assistance to public security forces has been partly responsible for the gap that terrorists are taking advantage of. We are assisting the local military forces in combatting insurgency, we are assisting the judicial system in improving the administration of justice, we are trying to strengthen the economic system -- we are not, however, doing enough to protect ourselves and the people and governments of the region from wanton terrorism by strengthening the counterterrorism capabilities of the police and the military forces. A program of counterterrorism assistance is needed, together with the ability to provide equipment and training in sizeable amounts rapidly to public security forces.

Fifth, any counterterrorism program that includes assistance to the police should take into careful consideration past U.S. efforts and our overriding human rights concerns to ensure that such assistance will strengthen, rather than weaken, the rule of law and respect for civil liberties and human rights. We intend to monitor this program very closely to ensure that counterterrorism capabilities are not used for repression of free speech or legitimate political activities. It is meant to protect the non-combatant population, particularly in the cities, from criminal violence by terrorists such as bombings, shootings, rocket attacks, kidnappings and hostage taking. This will be part of the training and of the monitoring.

PROGRAM RECOMMENDATIONS AND POLICY CONSIDERATIONS

Let me emphasize here the word assistance. Notwithstanding the threat to U.S. interests, we cannot go into these countries and and assume the role of the policeman. Fighting terrorism is a task that the emerging democracies must do themselves, but we can help.

The counterterrorism capabilities of the democracies in Central America are very weak. The police are at the bottom of everyone's priority list. They have been ineligible for the kinds of U.S. assistance that have been effective in professionalizing indigenous armed forces. Local governments have not had the resources or the technical know-how to develop and implement effective counterterrorism program without outside help.

In considering how to remedy this problem, it is necessary to remember that the problem of terrorism has two dimensions, one military, the other law enforcement. In both cases we are talking about very specialized and specific kinds of assistance. If either is neglected, the other is harmed as well.

The trend is to use the police as static guards in a defensive posture while the military take over the task of searching out and pursuing terrorist attackers. This risks creating a more militarized police force and a military establishment that is diverted from its primary mision by an effort to perform law enforcement functions. That is why we have concluded that while the problem of terrorism in Central America must be urgently addressed, it should only be addressed by effective assistance programs which seek to strengthen the abilities of both the police and the military to perform appropriate institutional roles in democratic societies.

THE COUNTERTERRORISM PROPOSAL: RECAP, LECTAP, WITNESS PROTECTION FUND

Improving the counterterrorism capability of the countries in the region will require a long-range, multi-year program. Although we can supply some training and equipment soon which would greatly increase their present effectiveness, the establshment of a competent, self-sustaining counterterrorism force is not an overnight process.

It is important to note that the military forces of these Central American countries currently have the primary security responsibility for defending against terrorism. In one sense, the RECAP part of our overall program is designed to help them deal with the current emergency. In all of these countries, except Belize, we have ongoing institutional arrangements for military consultation, cooperation, and assistance.

Local police forces are less well-developed institutionally, are weaker in terms of trained, equipped personnel, and are desperately lacking in essential equipment. However, we do not have similar established relationships with them, although a beginning is underway through ATA in Honduras and Costa Rica. Both the improvement of these police forces and our relationship with them will take some time to develop.

RECAP

Under the Military Assistance Program (Chapter 2 of Part II of the Foreign Assistance Act) we are proposing a $27 million Regional Enhanced Counterterrorism Program (RECAP). RECAP would be a separate and identifiable program in the host countries. It should not be viewed as merely a supplement to existing military assistance programs. While it will not require the creation of new management staff, DOD has formed an *ad hoc* management group to assure program effectiveness. It will be implemented by means of the existing Military Assistance Program channels, as a special counterterrorism project within our U.S. military assistance programs.

DOD will use its existing facilities and personnel to provide the training and equipment necessary to improve the counterterrorist capabilities of the military forces of the host governments. The funds will be used for training and procurement of counterterrorist military items. We project extensive training and procurement for enhancing the capabilities of the armed forces -- comand and control; use of intelligence; arms interdiction; hostage rescue; night and small unit operations; expanding civil defense operations; and spare parts and sustainment.

LECTAP

The counterpart program on the civilian side is the Law Enforcement Counterterrorism Assistance Program, LECTAP. The civilian program will take $26 million of the requested FY 1986 funds. It will be designed to assist recipient governments to strengthen law enforcement institutions necessary to combat terrorist attacks. It will do so by offering direct police training and equipment assistance. LECTAP assistance will:

-- Encourage the creation and development of modern law enforcement agencies who combine the use of appropriate modern techniques with concern for democratic procedures and human rights safeguards;

-- Be limited to types of training and equipment appropriate for civilian law enforcement authorities;

-- Be coordinated with other USG programs in the areas of counterinsurgency, anti-terrorism, and drug enforcement; and

-- Be designed to support the process of building democratic institutions by enhancing respect for the rule of law.

A March 1985 Congressional Research Service study of post-war insurgencies emphasized the importance of responsible, competent police forces in successful counterterrorism programs. The gap in USG counterterrorism assistance in this regard was noted in the report of the House Committee of Foreign Affairs Staff Study Mission on International Terrorism and Diplomatic Security which visited a number of countries in Central and South America in November of last year. The report underscored the great interest the countries had in participating in the Department of State's ATA program. We intend to offer ATA training to the eligible countries in Central America, but it must be noted that the ATA is extremely limited: it currently has appropriated only $5 million for a world-wide program, with over 25 active participating countries, and 70 eligible.

The absolutely essential first step in remedying the problems noted by the Congressional report is a political commitment by the host country regarding the necessity and role of civilian police. The commitment must then be implemented by a serious commitment of people, time, and resources to the program. LECTAP, the Law Enforcement Counterterrorism Assistance Program, will be the channel by which the USG provides the externally required training and equipment resources and helps with the planning for such a program. It also provides a crucial incentive for the local governments to make the serious long-term commitment.

LECTAP PROGRAM MANAGEMENT

LECTAP will be managed by the Department of State in close cooperation with US civilian law enforcement agencies, local as well as federal. Management for the LECTAP program will be provided by the successful Anti-terrorism Assistance Office

(ATA). ATA will be integrated into the new Bureau for Diplomatic Security. The Ambassador-at-Large for Combatting Terrorism will provide counterterrorism policy guidance and assure coordination of LECTAP with other relevant programs. The Bureau for Inter-American Affairs will provide regional policy guidance and the Bureau for Humanitarian Affairs and Human Rights will provide human rights and program design guidelines.

PROGRAM COORDINATION

I would like to emphasize that we view the new military and civilian programs as two sides of the same coin. They must be carefully coordinated and integrated with existing USG security assistance and anti-terrorism programs. In pursuing the goal of tighter coordination, we are implementing the intention of Congress, as expressed in Section 502 of the International Security and Development Act of 1985. This required coordination will be performed at three levels:

-- The host participating government itself will be charged with designating a central authority responsible for coordinating the planning and management of the relevant civilian law enforcement and military security assistance programs;

-- The US Chief of Mission will be responsible for coordinating all components of the USG assistance efforts, by means of a Country Team Task Force composed of the resident senior representatives of involved agencies; and

-- An interagency working group of the Interdepartmental Group on terrorism (IG/T) will be charged with the overall coordination of USG counterterrorism efforts in the participating countries, as well as seeing that the counterterrorist programs mesh effectively with other progress in the military, economic, social and political fields.

COUNTERTERRORISM PROTECTION FUND

Finally, Mr. Chairman, I would like to describe the third element of the Administration's proposal, the counterterrorism protection fund. It is clear that a successful counterterrorism program requires depriving terrorists of the ability to intimidate. The threat of retaliation permits terrorists to thwart the law enforcement system itself. Therefore, the successful prosecution of terrorists requires willingness of citizens to provide information and to testify in court. This in turn requires a system of protection for witnesses.

When the United States requests individuals to place themselves at risk in the cause of combatting terrorism we incur a moral obligation. We are requesting $1 million in order to enable us to fulfill this obligation. The requested funds would be allocated to the Secretary of State to enable us to finance protection by appropriate authorities, either local or US, both inside and outside of our own territory. As in the case of the rewards program under existing law, we will work closely with the Department of Justice in establishing appropriate standards and procedures.

CONCLUSION

To conclude, Mr. Chairman, I wish to reiterate that there is a clear need for additional effort by the United States to combat the serious terrorist threat directed against democratic governments in Central America. This threat is also directed openly against us. The nature of the violence may be changing as is evident in El Salvador, but the objectives remain the same: frustration of the democratic process and imposition of totalitarian regimes.

We are under terrorist attack in many parts of the world. We are wrestling, as Congress is wrestling, with the problem of finding appropriate responses and defenses. We believe that an active counterterrorism program of assistance to civilian police and the military will constitute a positive forward response, a significant contribution to a forward strategy. With such a program, we will no longer be waiting passively but will instead be working actively with our friends in taking preventative measures consistent with our democratic values and our support for democratic development in Central America.

Wang 7261C

PREPARED STATEMENT OF EDWARD L. KING

Mr. Chairman and Members of the Committee:

It is a distinct pleasure to submit for the record some of my perceptions regarding the proposed Central American Counterterrorism Act of 1985.

Mr. Chairman, my concerns with this proposed legislation focus on the intent of the language of the bill and the form and manner of its implementation.

My chief concern is with the confusion that seems to exist in the language of the bill in regard to the actual composition of the armed forces and security forces in the Central American countries that are to receive the requested assistance funds. In Assistant Secretary Ball's September 25th letter to Speaker O'Neill and in the Section by Section analysis of the proposed bill, reference is made to the "civilian" law enforcement personnel in El Salvador, Honduras, Costa Rica, Panama, Belize and Guatemala. But the fact is that except for Costa Rica and Belize the law enforcement police forces in all the other mentioned countries are manned by military personnel under the command of military officers.

It is misleading to believe that naming a program the Law Enforcement Counterterrorism Assistance Program (LECTAP) and placing it under the direction of the Department of State, means that only civilian law enforcement authorities will receive the money, training and equipment. It is impossible when those same law enforcement authorities are actually active duty military personnel serving regular tours of duty in the police forces. In my estimation, LECTAP as proposed will be just another military assistance program because the money, training and equipment controlled by the Department of State will in-country be under the control of local military officers serving as police in all the countries except Costa Rica. And in the United States the Department of State may have titular managerial control, but my experience has taught me that in practice hands-on implementation will be directed by the Department of Defense because even in a "civilian" program such as LECTAP it will require U.S. military personnel to work with the local military officers that comprise, dominate and control the security forces.

The security forces of El Salvador are an example of this point. All of the top police positions are held by military officers who are serving under the overall command of Army Colonel Reynaldo Lopez Nuila the Vice Minister of Public Security. Colonel Lopez Nuila serves under the command of General Vides Casanova the Minister of Defense. The directors of the Treasury Police, National Police and Customs Police are active duty Army colonels. Their staffs are composed of Army officers and their policemen are mostly trained soldiers. The National Guard is also part of the police forces even though it is a military force with an Immediate Reaction Battalion of its own. The Army colonel who commands the Guard is the only commander who has previously received U.S. public safety training, yet his command currently has the most questionable record in regard to protecting human rights.

This military manning of the Salvadoran police forces is representative of other police forces in the region with the exception of Costa Rica which has no army. And it highlights a fundamental dichotomy in these police forces in Central America. So-called police forces are in fact composed of professional soldiers properly trained to kill enemies of the state in battle to protect the existence of the nation. But these same soldiers are not trained by this military indoctrination to function as police and apprehend terrorists or persons who violate the laws and bring them to justice. And it is this dichotomy in training, mission and mindset which remains the underlying weakness of the police forces throughout the region that has in the past been a reason for the many violations of basic human rights by the police forces.

It does little to correct such a dichotomy of purpose if we once again establish public safety programs - as we did in the 1960's - that under one name or another train professional Army officers in police work. Rotating professional soldiers calling themselves policemen, through U.S. funded public safety programs, did not enhance democratic institutions throughout Latin America in the past and it is not likely to do so in the future unless bona fide police forces exist. Just because a military officer is a graduate of his country's military academy should not be considered sufficient preparation for letting him later become head of its police forces. Yet it is just such a system that the proposed bill appears to expect to use to foster civilian law enforcement authority and promote democratic institution building. Neither LECTAP or RECAP (Regional Counterterrorism Program) seem to address this fundamental problem.

The Regional Counterterrorism Program (RECAP) for its part appears to be unnecessary in view of the existing successful MAP Anti-Terrorism Assistance Program. Unless of course the objective is to create yet another organizational designation through which to obtain an additional amount of MAP funding from the Congress. In this same context I believe it is also questionable for the Congress to authorize $27 million dollars for the State Department to organize a Law Enforcement Counterterrorism Assistance Program (LECTAP) which will in effect also furnish funding, training and equipment to militarized police forces who have already been the recipients of assistance from the MAP Anti-Terrorism Assistance Program. It would seem more practical to use this existing program to train the militarized police forces rather than create two new programs to basically assist the same military organizations.

It is my recollection that the mission of LECTAP "encouraging the creation and development of modern law enforcement agencies who combine the use of appropriate modern techniques with concern for democratic procedures and safeguards and; support local democratic institution building," is exactly what the Public Safety Program of the 1960's was going to do with organizations such as the Inter-American Police Academy. That program trained hundreds of military/police personnel from Central and South America. Unfortunately, many of those graduates of the program went back to their countries and with U.S. assistance established militarized police forces that later were implicated in repressing, torturing and killing thousands of their countrymen. I do not find in the proposed bill language which would provide assurance that such abuses by militarized police forces would not recur again with U.S. assistance. After all, these are essentially the same military and police forces that we spent millions training in the 1960's only the names and faces have changed. And if this program is authorized, where will the Department of State obtain the skilled staff and police trainors to implement it. That too was one of the weaknesses of the past public safety program in that it sometimes became an employer of last resort for out of work police officers and deputy sheriffs.

Mr. Chairman, I also have serious reservations about the wiseness of the Counterterrorism Protection Fund to accomplish its objective to "reimburse domestic and foreign persons, agencies or governments for the protection of persons who provide assistance or information relating to terrorist incidents." Certainly, such a reimbursement program will need close oversight by the Congress and diligent supervision by the State Department because under existing conditions in Central America a reimbursement program of this scope will be extremely vulnerable to corrupt actions designed to enrich individuals or governments.

In conclusion Mr. Chairman, in my judgement the proposed bill the Committee is considering is old wine in new bottles - and not very well washed bootles. A compelling case that terrorist incidents in Central America have reached a level which is beyond the capability of the existing MAP funded Anti-Terrorism Assistance Program has not been made. Only a few isolated terrorist incidents and a considerable amount of unsubstantiated supposition has been cited in Assistant Secretary Ball's September 25th letter to justify the creation of two programs which will cost the taxpayer $53 million dollars.

The principal weakness of the proposed bill is its failure to address the fundamental issue of the need to create non-militarized police forces in Central American nations besides Costa Rica. Police forces that like Costa Rica's are under the control of a civilian cabinet minister rather than an active duty general officer defense minister, which function as legitimate democratic police forces rather than adjuncts of the army.

As written, the language of the proposed bill does not, in my opinion, provide the framework to create the professional civilian-manned and controlled police and counterterrorism forces throughly trained in the importance of protecting the rights of citizens that is its stated objective. Rather, by it language it encourages the continuation and expansion of militarized police agencies under the control of military institutions which have over the years often not been able to be truly responsive to democratic procedures of justice, nor the legal and human rights of their fellow citizens.

I therefore strongly urge the Committee to closely review the legislative history and outcome of all past similar U.S. public security programs for Latin America before approving the language of this proposed bill to combat terrorism of today with forces and techniques of the past which failed.

PREPARED STATEMENT OF LUIS E. AGUILAR

Mr. Chairman:

After expressing my satisfaction for the opportunity to appear before you, and the distinguish members of this Committee, to testify on the subject of terrorism in Central America, I must apology for the brevity and somehow disorganized nature of my testimony. The invitation came with such short notice that I have been able to barely read the documents and write at full speed this document. Please excuse any typographical mistake, and permit me to go directly to the points I consider essential in this matter. I had no time to expand or polish my arguments.

We all know that terror by the state and terrorism against the state have been quite common in Central America. The names of Maximiliano Hernandez Martinez in El Salvador and Jorge Ubico in Guatemala, remind us of how old the tragic problem is. Consequently, the fear that any U.S. assistance to the armed forces or the police of some of those nations might be used against the people, or against emerging democratic forces is quite valid. However, I believe that judgments based on such somber historical record usually fail to take into consideration two new and extremely important regional developments.

One is the process of democratization which is taken place in Central America. A process triggered not only by the will and maturity of certain sectors of the population, but also, and perhaps much more important, by the armed forces' realization that the better way to preserve their existence is to allow the civilians to take control of their nations.

The second one is the nature of the enemy who is presently threatening the peace and stability of those nations. To the old terror by the state, today fortunately declinig, and to the terrorism against the state, which is on the ascendancy, a new and more dangerous factor has been added: the increasing intervention in the area of terrorist states. I call "terrorist states" those which, like Cuba, Bulgaria, Libia or Nicaragua, train, organize, equip, and send to other countries, professional terrorist groups. The presence of those groups adds another dimension to the Central American situation.

Let us never forget, to avoid exaggerated illusions, that the Central American democratic process is very fragil and runs against a long tradition of authoritarianism and dictatorship. We should try, thus, to judge it according to its own limits, from the perspective of the cultural, political and economic framework of Central America. To measure that democratic process using as reference well established American values is a mistake. The simple act to vote in a democratic election, an ordinary occurrence in the U.S., is usually and rightly regarded in most of Central America as a sensational step, but only as a step, toward the democratic dream.

As many other political terms, the word democracy have many different connotations. I'll never forget the unusual, but quite illuminating, definition of a Peruvian peasant leader whom I interviewed a few years ago. After pondering the question, he answered "la democracia es el derecho que yo tengo a que nadie me pegue"."Democracy is the right I have not to be beaten up by anybody". We must try to be sure that in Central America we are helping to establish regimes where no one is beaten up.

The U.S. can try to accomplish that difficult and delicate goal by encouraging and aiding those forces which, out of conviction or pragmatism, are making an effort to open their societies to the complexities of a democratic system. Elections, respect for human rights, the right to dissent, programs for social justice, must and should be stimulated. But they also have to be protected against those enemies, of the extreme left or the extreme right, who are willing to employ all methods, inclusive, or particularly, terrorism, to destroy the frail progress of democratic ideas.

In that sense, the Special Central American Counterterrorism Program is, in my opinion, a step in the right direction. Napoleon Duarte's regime in El Salvador, the recent democratic gains in Guatemala and Honduras, even peaceful Costa Rica, are threatened by a constant an insiduous Marxist propaganda, which depicts any democratic achievement as a false and deceiving maneuver of U.S. imperialism. That propaganda is backed by the attacks of rural guerrillas, and by the fear that terrorist acts spread among the people. The propaganda can be neutralized by visible democratic benefits, the guerrillas can and had been defeated by improving the capacity of the army. But against the menace of terrorism, Central American nations are appallingly weak. Let us recall that even powerful and well organized nations like England, France and Israel have demonstrated their vulnerability to international terrorism.

To organize, teach and equip Central American police forces, or military elites, in order to improve their capacity to prevent or punish terrorist acts is quite essential to preserve democratic progress. Terrorism tries to prevent that progress. It is not only a matter of inspiring fear among the people or demonstrate the weakness of a government. And it is not, as some tend to think, a brutal way to protest against the abuses of military regimes. Quite the contrary. In many cases, when democracy has been established or is begining to emerge, the aim of terrorism is precisely to provoke the armed forces to abuse their power, or to push them into establishing a military dictatorship. A long experience had taught the communists that it is easier to organize a "democratic" front against a Somoza, or a Batista, that against a true democratic regime. That is one of the reasons for their persistent propaganda about "unmasking the true fascist face of a bourgeois democracy".

A program as the Central American Counterterrorism, could then have a dual purpose: to provide the armed forces with the basic instruments to fight terrorism (among which the capacity to gather and organize information is, in my opinion, basic), and to help them to avoid the tactical mistake of falling into the political trap of brutality or dictatorship. Beyond moral or ethical considerations, the armed forces must be helped to understand a pragmatical lesson. If the army preserves democracy, democracy will preserve the army. Only the "revolutionary" regimes of Cuba and Nicaragua had totally destroyed the traditional armed forces.

As stated above, this kind of U.S. aid is now more necessary than ever because of the nature of the enemy. It is quite conceivable that present Central American governments might be able to control local communist threats or terrorist acts. But they are not dealing with regional or spontaneous "revolutionaries" like Zapata or Sandino. They are facing well organized professional revolutionary groups, who have better information, better equip than theirs, and, furthermore, who have the advantage of a central command, located beyond their reach. Terrorist groups in Havana or Managua can always renew their offensive, change their tactics, wait for the right moment to attack, or coordinate their actions in Central America without any external interference. There is nothing that Tegucigalpa or San Jose can do about it. Except get as ready as possible.

If the U.S. allow that situation to continue, the balance of power will inevitably tilt toward the communist side. Time will be working against democracy, not in its favor. It is always wise to learn from the enemy. And not long ago a Chilean communist leader stated: "Pinochet can last two or four more years, it doesn't matter, we can always wait, we always know how to wait".

The risk of aiding military or police forces which are still far from achieving the degree of political education to guarantee the avoidance of abuses is real. But terrorism is also real and is a growing menace. And the temptation to oppose it with official terrorism is always there. Even indirectly, U.S. aid could precisely serve as a moderating influence, as a method to improve the political awareness of the pro-democratic antiterrorist forces. Finally, in the present Central American situation, the consequences of non acting, of refusing to provide a desperately needed assistance, are far more dangerous than any well calculated action...

Thank you very much.+

PREPARED STAETEMENT OF JOSE RODOLFO ROSALES

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1. I, Jose Rodolfo Rosales, native of El Salvador, Central America, 28 years of age, am a fourth year medical student at the Faculty of Medicine at the University of El Salvador, San Salvador.

2. I am the Vice-President of the General Association of Salvadoran University Students (AGEUS). I am presently in the United States on a west coast tour of universities and colleges. I have visited 40 campuses to establish ties and support between these U.S. institutions and the National University of El Salvador.

3. On July 12, 1985, the Secret-Anti-Communist Army (ESA), published a death list including the names of eleven (11) university students, staff and workers, threatening them as follows:

   "All of these traitors of the people have been condemned to death and we give them until Saturday the 20th of this month to be forwarned that from that day on our beloved military squads will put the execution orders into effect."

4. On July 20, 1985, the Christian-Democratic Party of President Jose Napoleon Duarte published a statement justifying the communique published by the death squad.

5. I was one of the students named in the death list.

6. On July 28, 1985, an attempt was made on my life but I was protected by a group of North American students and professors who were visiting the university at that time.

7. On or about August 7, 1985, a second attempt on my life was carried out. I narrowly escaped from being shot while I was walking in downtown San Salvador. However, a woman standing close by was injured.

8. Eight (8) out of the eleven (11) individuals threatened have already left the country.

9. On July 24, 1985, one of the other 2 students who stayed in El Salvador, Antonio Quezada, was shot at.

10. On August 5, 1985, another attempt on Mr. Quezada's life was carried out.

11. These life-threatening acts are not isolated cases facing the university community. During the last eleven (11) months, 55 students have been killed by the Salvadoran armed forces and the death squads; 9 students have "disappeared" by the government forces and 24 have been incarcerated. Thirteen (13) of the latter have been released after intensive international pressure.

12. On June 20, 1985, the General Secretary of the University, Ana Gloria de Montoya; the President of the Engineering and Architecture Department, Ing. Manuel Canas Lazo; University worker, Salvador Ubau, President of AGEUS, Antonio Quezada and myself met with Ricardo J. Lopez, Ministry of the Treasury, to discuss the financial situation facing the university including the lack of funds to pay the salaries of the administration, the faculty and the workers. Mr. Lopez at that time stated that President Duarte's financial priorities were the needs of the war and not higher education.

13. Mr. Lopez's statement is disheartening, particularly when a significant portion of the university campus and the equipment were totally destroyed during the June 26, 1980 military occupation of the University which lasted until May, 1985.

14. Threats continue to be carried out daily by the state security forces. These state security forces appear on campus uninvited, driving vehicles with blacked-out windows and with shotguns visible. They stop students and ask them about other students whose names appear on lists they carry with them.

15. At this time, I would like to request that the Congress not approve the Counter-Terrorism Bill since the aid will only enhance the ability of the state security forces and the death squads to repress the civilian population in general and the University population in particular.

I, Jose Rodolfo Rosales, swear under penalty of perjury that the above statements are true.

Signature ______________________
Jose Rodolfo Rosales

Date 11/19/85

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PREPARED STATEMENT OF ROBERT K. GOLDMAN

Thank you for inviting me to testify on the subject of the Reagan Administration's counterterrorism proposal for Central America, Mr. Chairman. I am a professor of law and Louis C. James scholar at American University Law School. I am also a member of the Executive Committee of the Americas Watch, and I appear in that capacity this morning.

The Americas Watch does not oppose certain specific assistance to the governments of Central America to assist them in meeting terrorist threats. Assistance for airport security, hostage rescue operations, and bomb detection and detonation are appropriate ways for the United States to aid its allies in the region. The Congress initiated a program in 1983, the Anti-Terrorism Assistance Act, and doubled its funds in the fiscal year 1986 authorization bill.

The Reagan Administration, however, ignoring the existing program has proposed a police assistance

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program which waives not only the restrictions contained in the Antiterrorism Assistance Act, but also reverses the actions of the Congress with respect to restrictions on police and military aid to Central America. By proposing additional military assistance for El Salvador and Guatemala, the Reagan Administration is attempting to obtain what the Congress did not give it during the regular authorization process.

The proposed $54 million program, half to aid the military, and half to aid the police in Central America was prompted by the June assassinations of four U.S. Marine guards and two American civilians and the recent kidnapping of President Duarte's daughter. As reprehensible as these atrocities are, we should keep in mind that the Salvadoran armed forces or death squads have murdered even more Americans -- at least eight -- and in only one case have the murderers been tried and convicted. Before the Congress responds to the Administration's hasty request, it should consider carefully the nature of those forces designated to receive U.S. assistance, and the United States' past experience with police aid programs in the region.

The "civilian" component of the Administration's Regional Counterterrorism proposal includes $12 million in police aid for El Salvador and $3 million in police aid to Guatemala. This would not be the first time the U.S. has aided these forces. According to AID documents, El Salvador received $2.1 million under the Public Safety Program in the 1960's and 70's, including training, revolvers, grenades, radios, carbines, and mobile units. Guatemala received $5.6 million, including radios, weapons, and special assistance in establishing a police intelligence center in Guatemala City.

In 1972 testimony before the House Appropriations Committee, AID described its police assistance program in El Salvador as a "model". Interestingly, in April of that same year, Jose Napoleon Duarte, then a Christian Democrat leader who was elected president but prevented from taking office by the armed forces, described his brutal beating at the hands of the Salvadoran police.

A 1967 AID report on the public safety program in Guatemala acknowledged that "there did appear to be some organizations in existence that bypassed the courts in impressing suspected guerrillas and their supporters of the error of their ways." A 1971 Senate Foreign Relations Committee report was more direct, stating that: "...the Guatemalan police operate without any effective political or judicial restraints, and how they use the equipment and techniques which are given them through the public safety program is quite beyond U.S. control... the U.S. is politically identified with police terrorism."

Twenty years of U.S. assistance to Guatemalan, Salvadoran and dozens of other police forces around the world did not prevent the consistent practice of torture, political imprisonment, disappearances, and killings by those forces. Accordingly, the Congress ended training and assistance by 1974, stating in the conference report accompanying the legisislation, that "United States participation in the highly sensitive area of public safety and police training unavoidably invites criticism from persons who seek to identify brutality or oppression in any country in which this program operates. It matters little whether the charges can be substantiated, they inevitably stigmatize the total United States foreign aid effort. In underdeveloped areas of the world, the costs of public safety programs are better left to be underwritten from local resources and the United States assistance effort directed toward less sensitive areas of social or economic development."

In spite of this legacy, the Administration has provided no indication of what steps will be taken to prevent similar problems in its new program.

A recent operation by a U.S.-trained and financed police team in El Salvador is an example of the kinds of problems we might expect if the Administration's counter-terrorism proposal is adopted. In early June, more than 100 heavily armed troops from the U.S.-trained police unit stormed a San Salvador hospital to break up a labor union strike. Doctors, nurses, and patients were ordered to lie down, and many were tied. One woman patient died when medical personnel were prevented from providing emergency care. The soldiers also shot and killed four members of a police under-cover squad in a case of mistaken identity. Two union leaders were captured by the police. I would like to request that the June 3, 1985 New York Times report of this incident which is attached to my testimony be included in the record of this hearing.

The Salvadoran security forces' past involvement in the practice of torture is well known to this Committee. Less well known is the fact that this abuse continues to occur. The

Americas Watch staffperson in San Salvador conducted interviews at Mariona prison on October 14, 1985 and received extensive testimony from political prisoners describing the torture and abuse they suffered at the hands of the Salvadoran police. In an August, 1985 case, a 42-year old trade unionist was captured by heavily armed men in civilian clothes who took him to a "safe house" where he saw a flag with the initials and emblem of the "ESA", a well-known death squad. He was tortured extensively with electric shock, raped, and beaten by presumed death squad members before he was turned over to the Treasury Police where he was forced to sign a confession. The Treasury Police held him for 12 days before the International Committee of the Red Cross was permitted to see him. This case is particularly significant in that it appears to illustrate the continued close cooperation between the non-uniformed death squads and the Salvadoran police.

In another recent case, a young woman prisoner was abused and raped -- she became pregnant -- by National Police, who prevented the International Committee of the Red Cross from seeing her for a month. She recently gave birth, and has her baby with her in prison.

The security forces operate with such impunity that even an employee of the United States Embassy in San Salvador was abused during police detention. In mid-September, Graciela Menendez de Iglesias, age 32, was captured on her job at U.S. AID by Embassy security guards who took her from the AID office to the main Embassy building where she was interrogated by them for four hours. She was accused of giving information to the guerrillas, and was turned over to the Treasury Police who interrogated her for 16 days. In the course of this interrogation, she was kept standing for long periods of time, given drugs, deprived of sleep, and stripped and raped by several different men. She signed a confession. She was sent to Ilopango prison, where she was treated for possible venereal disease. On October 8th, she was released from prison on the orders of a judge, and has since left the country.

These incidents are only a few of many recent cases of prisoners -- male as well as female -- enduring torture, sexual abuse, psychological threats, and long periods of incommunicado detention. The human rights office of the Archdiocese of San Salvador also collects extensive testimony from victims of human rights abuses in El Salvador. I have attached some additional statements to my testimony, and I would like to request that they be included in the hearing record.

When the Congress partially waived the prohibition on police aid for El Salvador and Honduras in July, 1985, a certification procedure was adopted to assure that U.S. assistance would not be made available to police forces engaged in the practices of torture, incommunicado detention, detention of persons for their political views, and long-term detention without trial. On October 29, the President made his first certification under this provision, stating that "there is no credible evidence that human rights violations of any kind occur with even tacit government consent" in El Salvador. Ignoring extensive available evidence to the contrary, the certification claims that "prisoner abuse and incommunicado detention have been largely remedied" and that immediate notification is given to family and human rights organizations "in virtually every arrest".

The President's certification ignored altogether the requirement that the government make significant progress towards eliminating the practice of detaining persons for their political views. Over 300 men and women continue to be held at Mariona and Ilopango prisons without trial; 159 of the political prisoners were admitted between January and June 1985. Because the holding of political prisoners violates the Congress' certification requirement, the President simply ignored it.

The President's certification also ignores the phenomenon of death squad killings and disappearances which take place with the consent, and on some occasions, the active participation of the security forces. According to the human rights office of the Archdiocese of San Salvador, death squad killings for the first six months of 1985 -- numbering 81 -- are more than double the number for the previous six months. In addition, the Salvadoran newspapers reported eight "unexplained" killings in late September and early October, including a trade unionist and two university professors.

Violations by the Guatemalan security forces are so great that the Congress took particular pains to withhold military assistance from that government until a civilian president has taken office, and significant progress has been made in ending gross violations of human rights. Although no such progress has taken place, the Administration proposes to waive these newly enacted restrictions and immediately provide the Guatemalan police and security forces $5 million in counter-terrorism assistance.

Because no human rights monitoring group can exist in Guatemala, detailed reports of the Guatemalan armed forces' violations are not available. Nonetheless, the Guatemalan newspapers are full of pathetic advertisements placed by family members seeking information on their disappeared relatives, and grisly news reports of mutilated, tortured corpses which regularly turn up on the city streets. Victims include politicians, university professors and students, trade unionists, lawyers, priests, doctors, and peasants. According to a March 1985 report by Amnesty International, "the majority of political abductions have been carried out by currently serving and reservist members of all branches of the Guatemalan military and security forces, acting under the orders of their supervisors in the guise of so-called "death squads".

An organization of family members of disappeared persons, the Grupo de Apoyo Mutuo has been particularly targeted for persecution. Last Spring, President Mejia Victores denounced the group as "subversive" and within weeks two of its founders were brutally murdered. One, Hector Gomez, was tortured, mutilated, and beaten to death. The other, Rosario Godoy de Cuevas, was strangled along with her 18-year old brother and 3-year old child. Just last week, President Mejia again denounced the group, stating that they were linked to "totalitarian" organizations based in Washington. The next day he identified the "totalitarian" organizations -- the Americas Watch and

Amnesty International.

Meanwhile, the Guatemalan Army's counterinsurgency campaign, which resulted in the massacre of literally thousands of helpless Indian men, women, and children in the period from 1980 to 1983 has given way to more subtle means of terrorizing rural communities. Nearly one million peasant men and boys have been forced to join the army's "civilian patrols", and they serve as the "eyes and ears" of the army in nearly every community. Frequently they are forced to commit acts of violence against other civilians. Both the army and the civilian patrols commit targeted murders, disappearances, and rapes throughout the rural areas.

If the Congress is persuaded that existing programs are inadequate to provide legitimate counterterrorism assistance to deserving Central American governments, there are a number of ways that the Administration's proposal should be modified. I would like to make a few suggestions.

1. All assistance should be nonlethal.

2. Strict conditions should be enacted which prohibit assistance or training to forces engaged in the practices of torture, detention of political prisoners, disappearances, detention without trial, and incommunicado detention.

3. All aid and training should be explicitly directed towards legitimate counterterrorism efforts, such as hostage rescue, airport security, and bomb detection and detonation. The use of U.S. aid or training to break up labor union strikes or student demonstrations should be strictly forbidden.

It is not enough that the Administration be called upon to provide human rights certifications. The Administration's past performance on certification reports should convince this Committee of the need for the Congress itself to determine whether human rights conditions have been met. This Committee should also monitor the uses of any aid provided to ensure that forces receiving U.S. assistance and training are not inhibiting legitimate activities, such as labor and student demonstrations.

Thank you.

AN EXCERPT FROM "THE CONTINUING TERROR"

THE SEVENTH SUPPLEMENT
TO THE
REPORT ON HUMAN RIGHTS
IN
EL SALVADOR

SEPTEMBER 1985

V. TORTURE

In our March 1985 report we noted "a sharp decline in the use of torture against those taken into custody by the security forces" during the second half of 1984.* As the information that follows indicates, however, torture has not been eliminated in El Salvador. Far from it. It is not the case, as it was from 1979 through 1983, that virtually every prisoner taken into custody by the Salvadoran security forces is tortured. On the other hand, torture is a persisting matter of major concern.

Most of the testimony about torture during the first half of 1985 examined by the Americas Watch deals with mistreatment by the National Guard; a smaller amount of testimony deals with the Treasury Police and an even smaller amount with the National Police.**

As in the past, we have not encountered complaints of torture from prisoners following their transfer to regular prisons. According to the Comite de Prisioneros Politicos de El Salvador (COPPES), the organization at Mariona that represents those imprisoned for politically-motivated offenses, there were the following cases of mistreatment by the security forces of the 159 prisoners arriving at Mariona from January 1 to July 18, 1985:

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* Americas Watch, "Draining the Sea," p. 66.

** One disputed case involving the National Police involves the August 8 death in its custody of Dr. Doroteo Gomez Arias, a labor lawyer and apparently a ranking member of the Fuerzas Armadas de la Resistencia (FARN, one of the five political-military groups composing the FMLN). He had been captured on August 1. The circumstances of his death are unclear, with some calling it suicide and others saying it was murder.

Electric shock	9
Capucha (hood)	15
Hanging by arms and legs	3
Instruments of strangulation	3
Rape	1
Threats of death and reprisals against family members	all
Blows with feet, kicking (various parts of body)	81
Hanging by arms	4
Thumbs tied and blindfolded	33
Use of drugs in interrogation	4
Denial of food	7

Some prisoners were subjected to several categories of torture; others were only subjected to one type. These categories do not include sleep deprivation, which many prisoners have reported to Americas Watch.

Some prisoners are not mistreated after capture. It appears to us that these are generally of a higher social status than most prisoners, or they are thought to be foreigners or higher-ranking

FMLN members who might be persuaded to switch sides. The capture (or surrender) of Miguel Castellanos of the Fuerzas Populares de Liberacion (FPL, one of the five political-military groups composing the FMLN) in April 1985 was accomplished without physical mistreatment of Mr. Castellanos, who has since given statements to the press favorable to the government, and has permitted his name and picture to be used by the government in leaflets dropped in guerrilla zones, urging his former companions to turn themselves in without fear of physical mistreatment. PRTC comandante Nidia Diaz, an FMLN representative at the La Palma peace talks, was also captured in April 1985, and she was not physically mistreated. (see above)

Dr. Eduardo Antonio Espinoza Fiallos was interviewed by Americas Watch on August 1 and again August 25, 1985. According to his testimony:

> Dr. Espinoza Fiallos came to San Salvador from the controlled zone in Chalatenango where he was working as a noncombatant doctor, to go to the dentist. He was captured on the night of April 12, 1985, when some fifteen uniformed Guardia Nacional members came to the house where he was staying, handcuffed him, searched the house, and took him and others in the house to the headquarters of the Guardia Nacional. He was in the custody of the National Guard for seventeen days, until April 29, when he was transferred to Mariona. He was not seen until the fifteenth day after his capture by the ICRC, although their agreement with the government of El Salvador provides that they have access to all detainees after eight days in custody.
>
> He was accused of providing medical assistance to the FMLN in the metropolitan area and of providing a house where wounded combatants were treated.

At the Guardia Nacional his clothes, except for his underwear, were removed. After the third day in custody they took away even his underwear, leaving him naked.

He was interrogated persistently for fourteen days, and not allowed to sleep except for one night. He was prevented from sleeping by being kept in a crouching position, not allowed to stand up straight or to sit. His feet swelled to twice their original size because he was on his feet so long. The left foot was infected where he had been kicked. When his shoes were returned to him before he was released, he could not put them on.

He was kept in an interrogation room all but the last three days of his captivity. There are two rooms next to the office where the ICRC and other official visitors are received. When the door to the interrogation room was opened, he could hear the cries of people being tortured and mistreated.

He was interrogated every four hours. During interrogation he was beaten with a wooden club and kicked and hit with fists all over his body, especially in his face and chest. A rib was fractured with a kick in the back. He had bruises all over.

Another form of torture he endured was being tied by his thumbs and suspended from a beam on the ceiling so that only his toes were touching the ground. He was suspended for fifteen minutes, then let down for a half hour, then suspended again for fifteen minutes. He lost feeling in his thumbs, which were badly bruised.

He was also hung by handcuffs from the beam, also with his toes just touching the floor. This was done about three times during the time he was in custody, also for fifteen minutes at a time, with half hour respites.

He was blindfolded throughout his captivity. He was placed under what he thought were two reflectors that seemed to concentrate the heat on him and made him extremely hot. He fainted three times in fourteen days because of this.

At times they put a tire over his head, resting on his shoulders. The tire was filled with excrement. He was not permitted to use any bathroom facilities, and was forced to relieve himself in situ.

His interrogators tried to get him to collaborate with them as a condition of turning him over to the ICRC. He refused and announced that he would go on a hunger strike until the ICRC was permitted to see him. He went without food for fifteen days. His captors forced water on him periodically, not when he wanted it, but when they felt like it. He lost eighteen pounds in the fifteen days of captivity.

He was hidden from the ICRC twice when they came to visit the National Guard. His captors took him out of the interrogation room and, still blindfolded, led him to a place in the same building. He believes it was near a swimming pool because of the noise of swimming and the sensation of water and dampness.

Three different nights he was taken out of the barracks and told he would be killed. The first time, they held a gun to his neck. The second time, they took him blindfolded in a car, and changed cars three times. He sensed they were on a dirt road. At a location in the country, they took off his blindfold and he saw five men in civilian clothes in front of him, who raised their guns, simulating a firing squad. They did not shoot. They changed cars again, and after driving around for a while, told him that he was being placed in a cell in the Fourth Brigade in Chalatenango (where he had worked as a doctor) and that if he did not cooperate with them, he would be thrown out of a helicopter. As it turned out, he was never taken to the Fourth Brigade, but was on a different floor of the National Guard headquarters.

The third time he faced a simulated execution he was hung from a beam on the ceiling, so that his toes were barely touching the floor, for 20 minutes. They then let him down.

His interrogators threatened to torture his family members in front of him. (His mother and brothers live in San Salvador. He learned later that the National Guard tried to get his mother to come to the barracks through guile, but she was prevented from going by friends and family.)

Three times during his detention he was interviewed by a high official. He was blindfolded and naked during the interviews, but he realised that it was a ranking officer because he could hear the soldiers coming to attention when he entered the room, and clicking their heels.

He was not beaten during the interrogation by this official, who would arrive after a series of beatings, sort of a "softening up" period. When the official left, he was beaten again, because he persistently refused to cooperate.

This official tried to bribe him. He was offered another identity, a job outside the country, and whatever cash he wanted to start a new life. He was asked to give information on the medical system of the FMLN and to name doctors who collaborate with the FMLN. The official told him that he would not hit him. He did not. The others did, after the official left.

He was also visited by two persons who identified themselves as psychologists from the National Police. Their educational level was clearly higher than that of the other interrogators, who also referred to the two as psychologists. They interrogated him twice, each time from 8p.m. at night until dawn.

Shortly before the ICRC saw him and he was transfered to Mariona, he was beaten three times on the cheek with fists to force him to sign a confession in which he took responsibility for coordinating medical logistics for the FMLN and many other things which he denied doing. He refused to sign. He was kept up again all night.

The last night of his capitivity he started to have hallucinations and lost his reason. According to what one of the jailers later told him (he blacked out and remembers none of this), he threw himself on his interrogator and then lost consciousness. He was kicked and left on the ground. When he came to, the jailer was examining the places where he had just been beaten. He had pity on him and let him sleep a couple of hours, until dawn. The next day he was handed over to the ICRC.

He is charged with giving medical help to the FMLN, and providing food and arms and other logistical support to the FMLN. He does not deny providing medical care to combatants and noncombatants but maintains that those activities are permissible under international law. He believes that they added the charges about providing food and arms and other logistical support because the charge of giving medical assistance was too weak to stand up by itself.

In June, 1985, a prisoner, 28, who gave his name to Americas Watch when we interviewed him in August but did not want it used for publication, was arrested by uniformed Treasury Police during a sweep of the street in a suburb of San Salvador. They took him to the barracks of the Treasury Police. He told Americas Watch:

> At the Treasury Police, on the same day as his arrest, he was placed in an unmarked car and blindfolded. They drove him to an unknown location a large house, with many rooms. He believes there were two others in detention there, also. He was not allowed to see them or to communicate with them.
>
> At the house, his clothes were taken away and he was left in his underwear. He was not given food for the first 24 hours. During this period, he was kept standing, blindfolded and handcuffed.
>
> They accused him of being a member of subversive organizations, which he denied.
>
> After the first 24 hours they started to beat him. They hit him in the face with open hands.
>
> They told him that if he would not collaborate, they would hang him. The interrogators had discussions among themselves about why they were wasting their time with him, and why they should not dump him. The interrogation and beating continued.
>
> They put him in a private car, blindfolded and, en route, took off the blindfold. It was day and he could see that they drove in the direction of Aguilares, while continuing to question him. He continued to deny their accusations. They took him out of the car at about the sixteen or seventeen kilometer mark and, standing by the side of the road out of sight of the traffic, told him to remember where he was. (He understood that they were in a remote location and he could easily be killed there without anyone seeing or reporting the event.) He persisted in his refusal to collaborate and they finally put him back in the car, blindfolded him, and took him back to the same house.

> A few days later they took him to another room in the same house, still blindfolded, and with his arms tied behind him. They threatened him: if he did not give them the information they wanted, they would use other methods.
>
> His blindfold was removed briefly. Four more men in civilian clothes came in and started to beat him, taking turns, for a half an hour.
>
> He was then given electric shock. They put wires to various parts of his body: hands, stomach, back, shoulders, knees, which lasted, with interrogation, a half hour. This began at about 4 p.m. They stopped the shock for a half an hour and commenced again for another half hour, taking four or five hours to complete this program.
>
> He still refused to give them what they wanted, maintaining his innocence. After that episode with electric shock, they only used physical beating and psychological torture.
>
> In the end, he signed something he was not allowed to read. He believes he has been charged with being a combatant, which he denies.

A woman, 23, who gave us her name when Americas Watch interviewed her on August 4 but would not permit it to be publicized, was arrested in San Salvador in January 1985. She was taken into a vehicle with polarized windows. Her captors were four men in civilian clothes who used two cars. She said:

> Inside the vehicle, she was blindfolded and her hands were tied behind her. She was driven to an isolated place, where no cars or people could be heard. There she was questioned in the vehicle by four men whose faces she did not see.
>
> They used the capucha on her, a hood that she described as being of plastic that covered the head and made breathing impossible. When she tried to move her head or bite the plastic to let oxygen in, they grabbed her chin and held it rigid. They took the hood off her head when she signaled that she was ready to talk. She would

> signal and they would remove the capucha and then she would not say anything, so they would put it back on. They hit her with fists on her chest and interrogated her nonstop.
>
> She was kept blindfolded when the capucha was not in use so she could not identify any of her captors. She described two of the interrogators as "animals," from the way they treated her and what they said. They were the ones who told her to talk or die.
>
> When the other three were gone from the vehicle, the interrogator who had threatened, and treated her most roughly, raped her. She became pregnant.
>
> After three hours of interrogation and mistreatment, she was taken to the barracks of the National Police. There she was interrogated for four days, day and night, without sleeping. They prevented her from sleeping by sending in one interrogator after the other, and when she started to doze, hitting the table to scare her and wake her up. She was not hit in the barracks, but was subjected to harsh interrogation and threats. She was kept blindfolded. She was wearing only the dress she was arrested in; her underwear had been stripped off her when she was raped.
>
> She asked to see the ICRC, and for soap. They hid her when the ICRC came to the barracks. The ICRC saw her for the first time after a month.
>
> She spent eight days in all in the National Police headquarters, and during this time was in an isolation cell, where she had to sleep on the floor. The bed in the cell did not have a mattress.
>
> After eight days, she was interviewed by the government Human Rights Commission, with a guard present. She did not dare tell them how she had been treated.

Another young woman, 17, interviewed by Americas Watch on August 4, was captured near the town of Santa Clara, in the hills of San Pedro in San Vicente, a conflict zone. She was doing her washing in the river when soldiers suddenly came upon her and started shooting. She was shot in the foot. They interrogated her and asked if she was a guerrilla, and wanted her to turn in other guerrillas, *tatus*, arms, and so forth. She said she was not a guerrilla and didn't know anything about the other things. She told Americas Watch:

> They transferred her to the military hospital in a helicopter, and *en route* they questioned her more, and questioned her in the hospital. She was always under surveillance in a room alone.
>
> At the military hospital, a soldier also a patient there, who had both legs amputated (presumably from wounds from a guerrilla mine), came into her room when she was recovering from surgery and tried to disconnect her from the various tubes in her body -- in her nose, mouth, and so forth. A nurse intervened and prevented him from harming her.
>
> She had one operation which was not successful, followed by more serious surgery. Both operations were performed before she was visited by the ICRC, she says. She is now handicapped. In addition, during her stay in the hospital she lost the child she was carrying; she was two months pregnant when she was captured. She believes this was the result of her mistreatment.
>
> Two days before she was released from the hospital, she was visited by a female interrogator, who urged her to collaborate, and pointed out that they had given her transfusions of soldiers' blood.
>
> After she was in the hospital for a few months, she was transfered to the National Guard for questioning. There, for 24 hours, they interrogated her, using the *capucha*, asking her to turn over arms. They hit her and kept her up all day and almost all night. At 1 a.m., she was allowed to sleep until dawn.
>
> She was blindfolded although they removed the blindfold at times. When the blindfold was off, she saw that she had four interrogators, who were in green uniforms and had masks over their heads, with holes to see and breathe.
>
> Her wound was not completely healed at this time, and they threatened to let her rot in jail.

> She was given electric shocks, with some kind of apparatus attached to her lower back. She was given three shocks in all, within a half hour period.
>
> After 24 hours in the National Guard, she was transfered to the women's prison.

A union member, 24, interviewed by Americas Watch in August, was captured coming out of a union meeting by four man in civilian clothes who were heavily armed. They were waiting for him in an unmarked car. He says:

> He was taken to the Treasury Police headquarters in San Salvador and interrogated continuously for eight days. He was beaten with fists and kicked, and on one occasion received electric shocks.
>
> He was kept blindfolded and handcuffed for fifteen days. Often he was made to stand throughout the night. His captors threatened that they had the power to kill him. On the twelfth day of his capture, after a ten hour interrogation session that lasted through the night, he signed a document that he did not read.

Other cases involving the mistreatment of prisoners are described in the section of this report on prisoners of war.

NEW YORK TIMES MON. JUNE 3, 1985

Salvador Troops Raid Struck Hospitals

By SHIRLEY CHRISTIAN

Special to The New York Times

SAN SALVADOR, June 2 — Securit forces occupied several hospitals before dawn today in an attempt to end a strike that the Government said was being manipulated politically to the benefit of leftist guerrillas. Four Government agents were killed, apparently by other Government forces in the confusion.

At the 484-bed General Hospital in the capital, a helicopter landed troops on the roof at 3 A.M. and other troops stormed in through the basement and the emergency room.

More than 100 soldiers, some wearing gas masks, raced through the eight floors, ordering doctors, nurses, technicians and patients to lie down with their hands behind them. Many were tied up.

In the emergency room, four undercover agents were shot to death, and several hospital employees said the deaths were the result of confusion between the two security forces taking part in the action — the treasury police and the national police.

Military officers said there had been no other violence, though a teen-age boy had a bloody nose and several people complained of being mistreated as they were tied up.

The strike by technical personnel of the Salvadoran Social Security Institute, which provides medical care to all employed people in the country, began on May 6 over salary demands and quickly developed into hospital takeovers by the strikers. Affected were five hospitals in three cities and about 20 clinics or departments in other hospitals.

Doctors Continued to Work

Doctors and nurses continued to report to work, but Government officials said the striking technicians were controlling the hospitals and turning away 80 percent of those seeking treatment.

At the General Hospital here, the strikers told journalists who interviewed them as they lay on the floor that they had been accepting emergency cases.

Although the strikers' primary demands were economic, the Government said their union had signed a recent statement supporting guerrilla demands for the resumption of talks with the Government. Officials also said that they had made fair economic offers, but that the union was avoiding an agreement for political reasons.

President José Napoleón Duarte issued a warning to the hospital strikers and other unions Saturday in his state of the union address. "When the unions are infiltrated and used at the altar of war and destabilization, they lose their social function and their credibility with the people," he said.

Julio Adolfo Rey Prendes, the chief Government spokesman, said the military action was backed by a civil judge's ruling last week that the strike was illegal on constitutional grounds and a later ruling by a military judge that it was "subversive."

The takeovers were coordinated throughout the country, according to an armed forces spokesman, who awoke several foreign journalists and took them into the General Hospital almost on the heels of the troops.

Lieut. Col. Enzo Guillermo Rubio of the national police, who directed the operation, confirmed that the four dead men were from the national police, but he said he had to conduct an investigation to find out how they had died. He said the four men had been sent into the hospital ahead of time as "observers." He did not accuse the strikers of shooting them, although he said four or five weapons had been found in the hospital.

Several people who were in the emergency room said that the four men had driven up in a taxi and that one of them pretended to need treatment. Once inside, the witnesses said, they pulled out guns and ordered everybody to the floor. Then, they said, uniformed troops appeared, saw the men standing with weapons and began firing at them.

After the hospital had been secured, all but four of the employees were untied and set free. Colonel Rubio sa two union leaders had been arreste along with two people who had no ide tification papers.

By late afternoon, all troops had bee withdrawn except those guarding th gate. Inside, the emergency room wa again busy, but the workers said the would not resume other functions unti an agreement was reached on th strike issues.

TERRORISM

THE PROBLEM

- WORLDWIDE — NOT LIMITED GEOGRAPHICALLY
- INCREASING (499 INCIDENTS IN 1983; 603 IN 1984)

CHARACTERISTICS

- USE OF TERROR, VIOLENCE, INTIMIDATION
- OBJECTIVES MAY BE POLITICAL, SOCIAL, ECONOMIC

NATURE OF THE THREAT

- TRAINED/EQUIPPED GROUPS, EXTERNALLY SUPPORTED
- BOMBING, HIJACKING, KIDNAPPING, ASSASINATION, MURDER

TERRORISM IN CENTRAL AMERICA

TRENDS

- NUMBER OF TERRORISTS PERSISTS
- EXTERNAL SUPPORT INCREASING
- MORE NARCO-TERRORIST LINKS
- CONTINUED NICARAGUAN INVOLVEMENT

CURRENT SITUATION

EL SALVADOR

- ANTI-GOVERNMENT FORCES TURNING TO TERRORISM
  - 8000 ARMED COMBATANTS
- U.S. PERSONNEL PRIME TARGETS
  - 4 U.S. MARINES, TWO OTHER U.S. CITIZENS MURDERED 19 JUNE 85
- MANY SALVADORAN OFFICIALS KILLED/KIDNAPPED
- CAPTURED EQUIPMENT INDICATES EXTERNAL SUPPORT
  - U.S. WEAPONS FROM VIETNAM, COMMUNIST BLOC ROCKETS/GRENADES
- EVIDENCE OF EXTERNAL TRAINING
  - CUBA, NICARAGUA, SOVIET UNION

CURRENT SITUATION

HONDURAS

- FIVE SEPARATE TERRORIST GROUPS

  1000 - 2000 TRAINED IN CUBA/NICARAGUA/SOVIET UNION

- INCIDENTS INCREASING
  - LOW RISK ATTACKS AT PRESENT
  - INTELLIGENCE INDICATES ATTACKS MAY BE ESCALATED
- THREAT TO NOVEMBER ELECTIONS
- NUMEROUS U.S. TARGETS
  - SECOND LARGEST CONCENTRATION IN CENTRAL AMERICA

CURRENT SITUATION

GUATEMALA

- FIVE SEPARATE TERRORIST GROUPS
  - 1600 - 2000 ARMED MEMBERS
  - EXTERNAL FINANCING/SUPPORT
- NUMEROUS INCIDENTS
  - POTENTIAL INCREASING
- THREAT TO NOVEMBER ELECTIONS
- INTELLIGENCE INDICATES U.S. PERSONNEL/FACILITIES MAY BE TARGETED

CURRENT SITUATION

COSTA RICA

- TRANSIENT INTERNATIONAL TERRORIST GROUPS
- SOME INCIDENTS
- INCREASING INTIMIDATION BY NICARAGUA
- POTENTIAL THREAT TO 1986 ELECTIONS
- NUMEROUS U.S. TARGETS
  - U.S. CIVILIANS, BUSINESS FACILTIES

CURRENT SITUATION

PANAMA

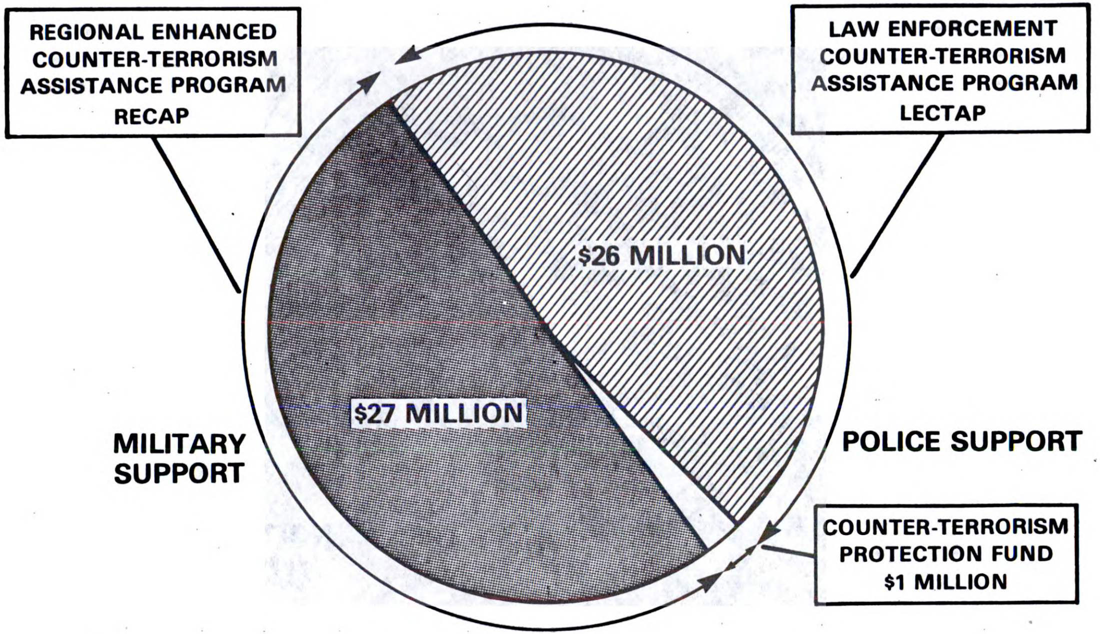
- POLITICALLY VOLATILE COUNTRY
- TRANSIENT INTERNATIONAL TERRORIST GROUPS
- NARCO-TERRORIST ACTIVITY MAY INCREASE
- SIGNIFICANT U.S. TARGETS
  - U.S. MILITARY BASES, 40,000 + U.S. PERSONNEL
- U.S. STRATEGIC INTERESTS
  - PANAMA CANAL

COUNTER-TERRORISM CAPABILITY IN CENTRAL AMERICAN COUNTRIES

MAJOR SHORTFALLS

- NO CENTRALIZED COMMAND/CONTROL
- LACK OF SPECIALLY TRAINED UNITS
- POOR INTELLIGENCE
- INADEQUATE COMMUNICATIONS
- LIMITED MOBILITY
- INAPPROPRIATE WEAPONS
- LACK OF POLICE PROFESSIONALISM

REGIONAL COUNTER TERRORISM PROGRAM SUPPLEMENTAL ASSISTANCE TO CENTRAL AMERICA
$54 MILLION



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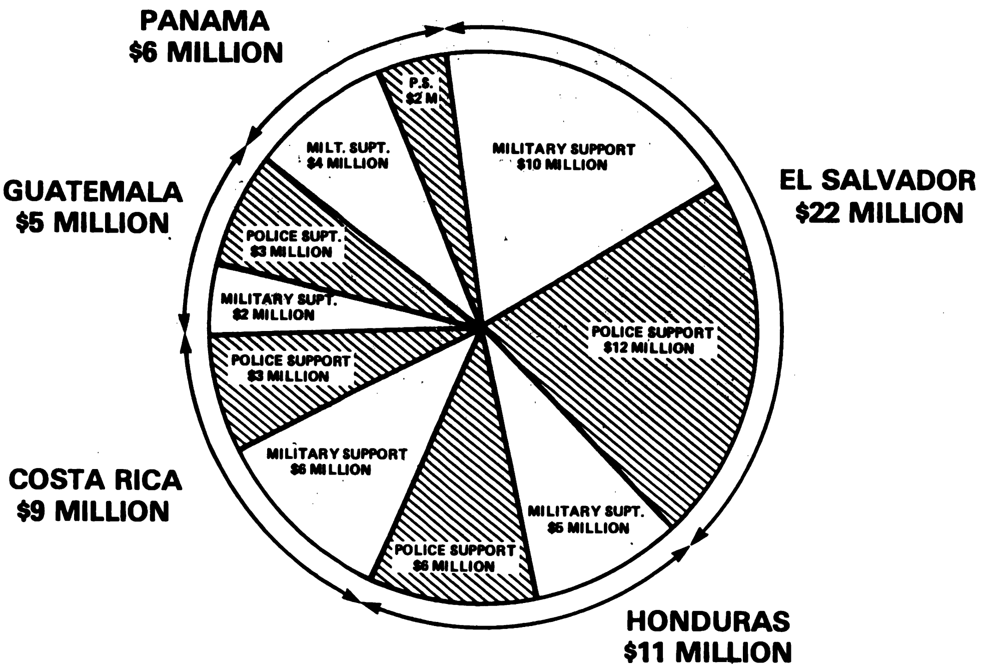
REGIONAL COUNTER TERRORISM PROGRAM
SUPPLEMENTAL ASSISTANCE TO CENTRAL AMERICA



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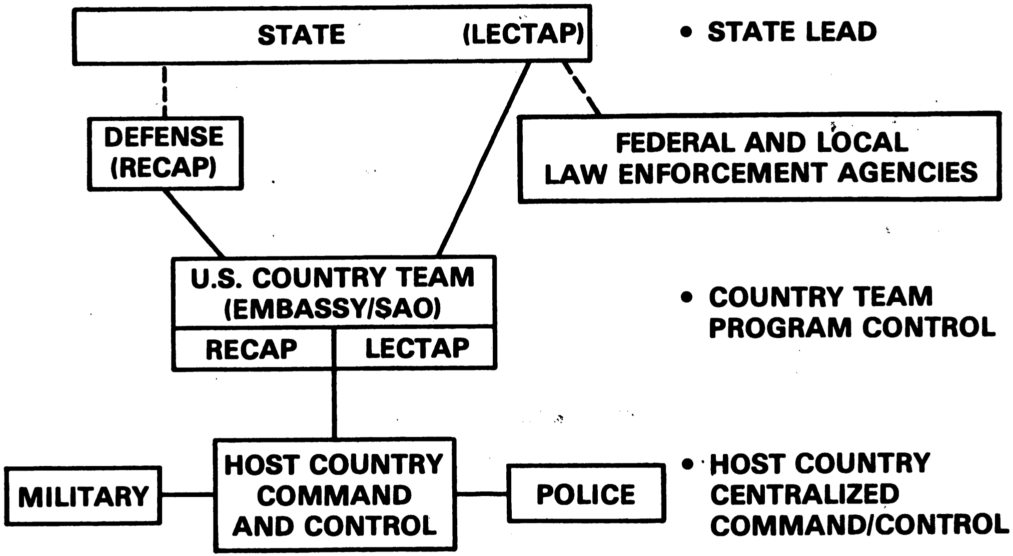
COUNTER-TERRORISM PROGRAM MANAGEMENT


STATE
(LECTAP)
DEFENSE
(RECAP)
FEDERAL AND LOCAL
LAW ENFORCEMENT AGENCIES
U.S. COUNTRY TEAM
(EMBASSY/SAO)
RECAP
LECTAP
MILITARY
HOST COUNTRY
COMMAND
AND CONTROL
POLICE

- STATE LEAD
- COUNTRY TEAM PROGRAM CONTROL
- HOST COUNTRY CENTRALIZED COMMAND/CONTROL

12

EL SALVADOR

PROPOSAL

• C3I	$ 1.6 MILLION
— SECURE COMMUNICATIONS FOR INTELLIGENCE AND COMMAND AND CONTROL	
• ORGANIZE, EXPAND, TRAIN AND EQUIP EXISTING UNITS	
— CEAT FORCE	$ .95 MILLION
— PRAL FORCE	$ 1.14 MILLION
— LIBERTADORES BN	$ 1.26 MILLION
— RELAMPAGO (PINK TEAM)	$ 1.55 MILLION
• EXPAND NIGHT OPERATIONS (3 HUGHES 500 W/FLIR)	$ 3.5 MILLION
RECAP SUBTOTAL	$ 10.0 MILLION

5348-5

EL SALVADOR PROGRAM

- TRAINING
  - POLICE STAFF/COMMAND COURSES
  - POLICE ACADEMIES
- COMMUNICATION
  - POLICE BASE STATION (3 CHANNELS)
  - SCRAMBLERS
  - MOBILE RADIOS
  - PORTABLE RADIOS
  - RESERVE GENERATOR
  - EXTRA BATTERIES FOR PORTABLE RADIOS
  - CHARGES FOR PORTABLE RADIOS
  - BASE TAPE RECORDER
  - REPAIR EQUIPMENT
- VEHICLES
  - PICKUP TRUCKS
  - PATROL CARS
  - SPARES
- ARMAMENTS/EQUIPMENT
  - SNIPER RIFLES W/DAY AND NIGHT SCOPES
  - PISTOLS (REVOLVERS)
  - SUBMACHINE GUNS
  - AMMUNITION (ACTIVE DUTY AND TRAINING)
  - POLICE FIRING RANGE
- APPROXIMATE LECTAP SUBTOTAL: $12 MILLION

HONDURAS

PROPOSAL

• TRAIN AND EQUIP HRF AND CT FORCE	
— COMMUNICATION EQUIPMENT	$ .30 MILLION
— TRAINING FACILITIES	$ 1.00 MILLION
— SPECIAL EQUIPMENT AND MUNITIONS	$ 2.00 MILLION
— INTELLIGENCE TRAINING	$ .65 MILLION
— MOBILITY	$ .65 MILLION
• AIRPORT SECURITY EQUIPMENT	$ .40 MILLION
RECAP SUBTOTAL	$ 5. 0 MILLION

5348-5

HONDURAS

- **PROGRAM**
  - POLICE ADMINISTRATION TRAINING.
  - CRISIS CONTROL AND HOSTAGE NEGOTIATIONS TRAINING.
  - POLICE LABORATORY TRAINING AND EQUIPMENT.
  - COMMUNICATIONS EQUIPMENT.
  - PROVISION OF VEHICLES AND MAINTENANCE SUPPORT PROGRAM.
  - PROVISION OF WEAPONS AND WEAPONS TRAINING.
  - APPROXIMATE LECTAP SUBTOTAL: $6 MILLION.

GUATEMALA

PROPOSAL

• 100 MAN HOSTAGE RESCUE UNIT EQUIP AND TRAIN	$ 1.0 MILLION
• SECURE FM COMMUNICATIONS FUNCTIONAL COMMAND NETWORK	$ 0.5 MILLION
• EXPLOSIVE ORDNANCE TEAM EQUIP AND TRAIN	$ 0.5 MILLION
RECAP SUBTOTAL	$ 2.0 MILLION

5348-5

GUATEMALA

- **PROGRAM**
  - SENIOR OFFICER AND EQUIPMENT MANAGEMENT TRAINING.
  - TRAINING IN FOOT PATROL PROCEDURES, INVESTIGATION TECHNIQUES, AND RIOT CONTROL.
  - TRAINING OF A "POLICE MANAGEMENT AND EQUIPMENT TRAINING STAFF."
  - COMMUNICATIONS BASE STATIONS AT ALL MAJOR POLICE HEADQUARTERS AND RADIOS FOR FOOT PATROLS AND MOBILE UNITS.
  - PROVISION OF POLICE VEHICLES.
  - TRAINING AND EQUIPMENT FOR A FORENSIC SCIENCES CAPACITY WITHIN THE NATIONAL POLICE.
  - APPROXIMATE LECTAP SUBTOTAL: $3 MILLION

150-6

COSTA RICA

PROPOSAL

- ENHANCE CAPABILITY OF SELECTED UNITS

— MEDIUM LIFT HELICOPTER (BELL 212 TYPE) FOR LIMITED MOVEMENT OF FORCES	$ 3.5 MILLION
— OCEAN PATROL BOAT SUPPORT	$ 0.5 MILLION
— RURAL GUARD EQUIPMENT	$ 1.0 MILLION
— VEHICLES FOR CIVIL GUARD AND RURAL GUARD MOBILITY	$ 1.0 MILLION
RECAP SUBTOTAL	$ 6.0 MILLION

5348-5

COSTA RICA

- **PROGRAM**
  - SENIOR OFFICER AND EQUIPMENT MANAGEMENT STAFF COURSES.
  - POLICE ADMINISTRATION TRAINING.
  - DATA MANAGEMENT TRAINING.
  - CRIME SCENE ANALYSIS/EVIDENCE CONTROL.
  - FIREARMS AND EXPLOSIVE ORDNANCE TRAINING.
  - PROVISION OF PATROL VEHICLES.
  - PROVISION OF HANDCUFFS, BATONS, REVOLVERS, SHOTGUNS.
  - APPROXIMATE LECTAP SUBTOTAL: $3 MILLION

PANAMA

PROPOSAL

• COMMAND CENTER COMMUNICATION EQUIPMENT AND TRAINING	$ 1.085 MILLION
• ANTI-TERRORIST UNIT ENHANCEMENT	$ 2.120 MILLION
• EXPLOSIVE ORDNANCE EQUIPMENT AND TRAINING	$ .475 MILLION
• UNDERWATER ENHANCEMENT AND TRAINING	$ .320 MILLION
RECAP SUBTOTAL	$ 4.0 MILLION

5348-5

PANAMA

- **PROGRAM**
  - MANAGEMENT AND SUPERVISORY TRAINING DESIGNED TO ADDRESS LAW ENFORCEMENT RESOURCES ALLOCATION AND PROGRAM MANAGEMENT AND EVALUATION.
  - AIRPORT SECURITY PROGRAMS AND PROCEDURES.
  - POLICE PROFESSIONAL TRAINING:
    - HOSTAGE RESCUE AND NEGOTIATION
    - MAJOR CASE MANAGEMENT IN TERRORIST-RELATED OFFENSES
    - INVESTIGATION TECHNIQUES
    - CRIME SCENE TECHNIQUES
    - POST BOMB BLAST INVESTIGATIONS
    - TERRORIST INFORMATION ANALYSIS
    - COMMUNICATIONS
    - INFORMATION SYSTEMS
    - FORENSIC SCIENCE
  - APPROXIMATE LECTAP SUBTOTAL: $2 MILLION

NOTIONAL EXPENDITURE OF $5.5 MILLION FOR A MUNCIPAL POLICE FORCE OF 1000 MEN

1. TRAINING (INCLUDES ROOM, BOARD, AIR FARE)

A. GENERAL ADMINISTRATIVE TRAINING	
— 10 SENIOR OFFICERS, 30 DAYS IN U.S.	$ 60,000
B. PATROL ADMINISTRATION TRAINING	
— 10 MID-LEVEL OFFICERS, 30 DAYS IN U.S.	$ 60,000
C. COMMUNICATIONS ADMINISTRATIVE TRAINING	
— 6 MID-LEVEL OFFICERS, 21 DAYS IN U.S.	$ 36,000
D. MAINTENANCE ADMINISTRATIVE TRAINING	
— 2 MID-LEVEL OFFICERS 21 DAYS IN U.S.	$ 18,000
E. RADIO MAINTENANCE TRAINING	
— 10 TECHNICIANS, 42 DAYS (IN COUNTRY)	$ 50,000
F. WEAPONS MAINTENANCE TRAINING	
— 10 TECHNICIANS, 15 DAYS (IN COUNTRY)	$ 18,000
G. DRIVER TRAINING FOR 100 PATROLMEN AND 20 DRIVER TRAINING INSTRUCTORS (IN COUNTRY)	$420,000
H. POLICE MARKSMANSHIP TRAINING	
— 18 NCO'S, 21 DAYS IN U.S. (FLETC)	$ 40,000
I. PATROL PROCEDURES	
— 20 NCO'S, 10 DAYS IN U.S.	$ 45,000
J. INVESTIGATIVE PROCEDURES	
— 40 DETECTIVES, 30 DAYS IN U.S.	$240,000
K. INVESTIGATIVE ADMINISTRATION	
— 5 MID-LEVEL OFFICERS, 30 DAYS IN U.S.	$ 30,000
L. PUBLIC RELATIONS/INTERNAL INVESTIGATIONS	
— 10 SENIOR OFFICERS, 10 DAYS IN U.S.	$ 22,000

5348-5

2. PATROL AND REACTION TRANSPORTATION EQUIPMENT	
A. 100 CARS @ $10,000	$1,000,000
B. 17 SUPERVISORY VEHICLES	$ 170,000
3. COMMUNICATIONS (BASED ON 120 CARS, 1000 POLICE)	
A. BASE STATION (3 RADIO CONSOLES)	$ 50,000
B. 120 MOBILE RADIOS @ $2500	$ 300,000
C. 500 PORTABLE RADIOS @ $800	$ 400,000
D. 500 EXTRA PORTABLE BATTERIES @ $50	$ 25,000
E. 600 CHARGERS FOR BATTERIES / RADIOS @ $35	$ 21,000
F. 2 BASE STATION TAPE RECORDERS @ $4,000	$ 8,000
G. REPAIR SHOP	$ 100,000
4. ARMAMENTS AND PROTECTIVE EQUIPMENT	
A. 5 SNIPER RIFLES WITH DAY SCOPES @ $500	$ 2500
B. 5 SNIPER RIFLES WITH NIGHT SCOPES @ $5000	$ 25,000
C. 1000 357 MAGNUM REVOLVERS @ $350	$ 350,000
D. 500 30 CALIBER M-1 CARBINES @ $300	$ 150,000
E. 1000 SOFT ARMOR VESTS @ $4000	$ 400,000
F. 2 M-60 LIGHT MACHINE GUNS @ $10,000	$ 20,000
G. 10 GAS GUNS @ $200	$ 2,000
H. 100 SHOTGUNS @ $300	$ 30,000
5. PRACTICE AMMUNITION FOR 1 YEAR	$1,000,000
6. POLICE "SHOOT — DON'T SHOOT RANGE"	$ 30,000
7. SPARE PARTS	$ 267,500
TOTAL	$5,390,000

CONGRESSIONAL ACTION REQUIRED:

- LEGISLATION — A BILL TO PROVIDE FUNDS FOR A COUNTER-TERRORISM PROGRAM IN CENTRAL AMERICA.

WHY A NEW BILL?

- FY 85 FUNDS FULLY COMMITTED
- FY 86 FUNDS FULLY PROGRAMMED AGAINST HIGH PRIORITY REQUIREMENTS
- COUNTER-TERRORISM IDENTIFIED AS A NEW AND DISTINCT REQUIREMENT

JESSE HELMS
NORTH CAROLINA

United States Senate
WASHINGTON, DC 20510

September 25, 1985

The President
The White House
Washington, D.C.

Dear Mr. President:

On June 20, during your eloquent comments on the murder of four U.S. Marines in El Salvador, you said: "I am prepared to use my emergency authorities to furnish the Salvadoran Armed Forces with additional military assets which will help them prosecute their campaign against the Communist guerrillas."

I am writing this letter, Mr. President, because time is running out. Until October 1, there is still $75 million in FY 1985 funds available for section 506(a) of the Foreign Assistance Act of 1961, as amended, for emergency use.

The Department of State has not acted, but the emergency in El Salvador is growing more desperate. At this moment, the Communist guerrillas in El Salvador have grown bolder. As you know, they have kidnapped the daughter of President Duarte, and they are holding her hostage--just as they are attempting to hold the entire nation of El Salvador hostage to their shocking brand of terrorism. If they can threaten to kill even the President's daughter, by the same token the lives of all Americans in El Salvador can be equally threatened with kidnapping and murder.

Nor is El Salvador the only country threatened by Communist terrorism. Guatemala is a country struggling to hold presidential elections in November; the Communist guerrillas are trying to destabilize the country so that those elections will not take place. If the United States wants to encourage that country to strengthen the democratic process, we must insist that the elections take place on schedule--but only if we provide the wherewithal to contain the terrorist threat. We cannot wait until after the elections to provide aid, since the terrorists may prevent those elections from happening. Guatemala, too, deserves to have the benefit of emergency appropriations.

Similarly, Honduras has scheduled elections for November. There are some elements in Honduras who are seeking to use the terrorist attacks as an excuse to postpone elections. The present government is the first to be popularly elected in many years; we must act now to nurture that fragile democracy.

Finally, Mr. President, Costa Rica is daily exposed to cross-border attacks from the Marxist Sandinista forces in Nicaragua. Yet Costa Rica has no army. It has always regarded itself as a model democracy which needed no military forces. Its elections are scheduled for February. Costa Rica needs assistance for the protection of candidates, police protection of the polls, counter-terrorist operations, and crowd control capabilities to reduce violence both before and during the elections.

Mr. President, these four countries desperately need emergency assistance to protect the democratic process against the depredations of organized terrorism. The money is currently available in the FY 85 funds appropriated for emergency use. None of the money in the emergency account has been used yet this year; but it can be put right to work fighting terrorism and supporting the free electoral process if you act before October 1.

Therefore, Mr. President, once more I urge you to act now.

Respectfully,

Jesse Helms

JESSE HELMS: llb

RESPONSES OF DEPARTMENT OF STATE TO QUESTIONS ASKED BY SENATOR PELL

Q. The ATA (Anti-Terrorist Assistance) program was established in 1983 primarily as a training program to assist countries in dealing with problems like airport security. By removing all of the restrictions on the program does the Administration intend to return to a full-scale police training program similar to what existed prior to the enactment of the Section 660 prohibition on assistance for police training in 1974?

A. -- The Administration's bill does not remove all restrictions on the existing ATA program. The intent is to provide assistance that is needed in order to respond to the threat posed by terrorism in Central America. The section-by-section analysis which accompanied the proposed legislation and the supplementary briefing materials provided to the Committee detailed, on a country-by-country basis, the funding breakdown and the division between training and equipment.

-- In seeking exceptions to specific operational constraints contained in section 573(d) it is not the Administration's intention to recreate the Public Safety Program. The purpose of each proposed exception is as follows:

-- Section 3(b) of the proposed bill provides that section 573(d) of the Foreign Assistance Act of 1961 shall not apply to the funds made available for law enforcement assistance. Section 573(d) establishes a number of operational constraints on the administration of anti-terrorism assistance programs. These constraints were designed for a worldwide annual program of $5 million, for which the authorization level was just increased to $9.8 million for FY 1986. There follows the text of each of the five paragraphs of section 573(d), followed in each case by an explanation of why an exception to that paragraph is appropriate for the proposed Law Enforcement Counterterrorism Assistance Program for Central America. Our program differs in several ways from the old Public Safety Program.

> (1) "Training services provided pursuant to this chapter shall not be conducted outside the United States."

-- It is more cost effective to provide certain training in-country, rather than in the U.S. For example, it costs $2,000 per week per man to train in the U.S. (includes interpreters, escorts, transportation and housing). A 42-day course for 10 men in the U.S. would thus cost $120,000. It would obviously be less costly to send one trainer from the U.S.

-- Courses such as radio maintenance are highly affected by the environment, and performing such training in the U.S. would not be as helpful to the trainees in learning to cope with their own circumstances.

> (2) "Personnel of the United States Government authorized to advise eligible foreign countries on anti-terrorism matters shall carry out their responsibilities, to the maximum extent possible, within the United States. Such personnel may provide advice outside the United States on anti-terrorism matters to eligible foreign countries for periods not to exceed thirty consecutive calendar days."

-- Although we will offer training courses in the U.S. where practicable, some of the courses are five or six weeks in duration. The radio maintenance training course we have worked out, for example, takes 42 days.

-- Exception to paragraph (2) is necessary for the exception to paragraph (1) to be meaningful insofar as courses of more than 30 days duration are concerned.

> (3) "Employees of the Department of State shall not engage in the training of law enforcement personnel or provision of services under this chapter, except that employees of the Office of Security of the Department of State may provide training and services to law enforcement personnel for the physical protection of internationally protected persons and related facilities."

-- We have no plans for State Department personnel to perform any actual training, but wonder if we should be prohibited from doing so if in a given case a State employee is the best available. For example, limited training by the Regional Security Officer at one of our embassies might avoid the need for travel either by trainees or a U.S. trainer.

> (4) "(A) Except as provided in subparagraph (B), articles on the United States Munitions List established pursuant to the Arms Export Control Act may not be made available under this chapter.
>
> "(B) For fiscal years 1986 and 1987, articles on the United States Munitions List may be made available under this chapter if --
>
> (i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, or articles in category X (relating to protective personnel equipment), and they are directly related to anti-terrorism training being provided under this chapter;
>
> (ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part, chapter 5 of this part, or the Arms Export Control Act; and

(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act."

-- Some commodities essential to the specific counter-terrorism struggle in Central America fall under categories of the Munitions List other than those specified. Some examples are as follows:

- Explosive Ordnance Disposal equipment, licensed under Category IV(c); all the countries would need this capability and equipment.

- Mine sweeping equipment, licensed under Category VI(c); all of the countries might need this equipment.

- Night-sight equipment, licensed under Category XII(a); all countries might need this equipment.

- Speech scramblers and protective equipment and scuba equipment, licensed under Category XIII; all countries might need the speech scramblers, and Costa Rica and Panama might need the scuba gear.

"(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) of this section, including articles described in sub-paragraph (B)(i) of this paragraph, may not exceed $325,000 in fiscal year 1986 or $325,000 in fiscal year 1987."

-- While the Central American program -- like our other anti-terrorism programs -- concentrates on training assistance, we will need to provide equipment in connection with our proposed Central American program. The $325,000 limit is not adequate to permit furnishing the substantial amounts of equipment necessary for the success of the proposed Central American program.

> (5) "Assistance under this chapter shall not include provision of services, equipment, personnel, or facilities involved in the collection of intelligence as defined in Executive Order 12333 of December 4, 1981, other than limited training in the organization of intelligence for anti-terrorism purposes.

-- An improved police intelligence capability seems an essential aspect of any effective counterterrorism strategy. Organizational assistance seems an extraordinarily limiting standard.

-- It should be noted that all other requirements of chapter 8 of part II of the Foreign Assistance Act, such as human rights and Congressional oversight provisions, will apply to assistance under section 3 of the bill.

-- When the Public Safety Program was being implemented, the trend in Central America was away from democracy. Now, however, we see that the trend is in the other direction: movement toward democracy is the rule, rather than the exception. Our program is being proposed as part of a broader policy of support for fragile, nascent democracies.

Now that the trend in Central America is toward democracy, we want to ensure that this is not just another swing of the pendulum.

-- We will provide equipment as part of our training program. And that training will start at the top with the senior police, administrative, and management officers. Further, the emphasis in equipment is on communications and mobility, which we feel is the priority need for the region's police forces.

-- All of our training courses contain a heavy emphasis on human rights, and in fact one of our first and most important courses, developed under the very successful ATA program, is a four-week class on Human Rights.

-- The program we are asking Congress to approve provides for significant institutional linkages that were not built into the Public Safety Program. All of the programs of assistance to police will have built-in controls and oversight by the implementing federal agencies and by the state or local police organizations who will have a direct role in program implementation. These institutional linkages with U.S. security organizations that are professional, disciplined and concerned for the welfare of citizens is designed to make the human rights elements an intrinsic part of the training.

Pell

Q. One of the restrictions that will be removed is the limitation on the kinds of equipment that can be transferred under the ATA (Anti-terrorism Assistance) program. What is the necessity for removing this restriction on the transfer of munitions and ammunitions?

A. --The present restriction is designed for a small worldwide program that does not meet the needs in Central America for augmenting training with equipment. Each country program will be subject to prior Congressional notification and review. The removal of arbitrary limits in law on types of equipment will allow the exercise of sound judgment in program design, while preserving Congressional review on a case-by-case basis.

-- Some examples of items currently prohibited which we might need are as follows:

Explosive Ordnance Disposal equipment, licensed under Category IV(c); all the countries would need this capability and equipment.

Mine sweeping equipment, licensed under Category VI(c); all of the countries might need this equipment.

Night-sight equipment, licensed under Category XII(a); all countries might need this equipment.

Speech scramblers and protective equipment and scuba equipment, licensed under Category XIII; all countries might need the speech scramblers, and Costa Rica and Panama might need the scuba gear.

Pell

3.

Q. In regard to the Section 660 prohibition on assistance for police training, the Conference Report on the 1985 foreign aid bill expressed "the concern that programs undertaken pursuant to that section must be carefully designed and closely monitored in order to avoid the potential of abuse that led to the enactment of the prohibition against police training in Section 660 of the 1974 Foreign Assistance Act." Given the legislative changes contained in the budget amendment, what in your view remains of the Section 660 prohibition?

A. -- Section 660 remains as a general restriction on assistance on the police. Our proposal does not change that restriction, but permits a Central American antiterrorism program under the authority of the antiterrorism chapter which contains an existing waiver from section 660. Our program does modify the operational restrictions contained in the chapter in order to meet the specific needs of the countries involved. In a separate answer we have discussed in detail those restrictions and why they should not be applicable to the Central American program.

-- Our proposal to assist law enforcement personnel under the Central American Counterterrorism Act of 1985, however, does meet the specific goals of a "carefully designed and closely monitored program" which was expressed in the Conference Report of the 1985 Foreign Assistance Act. The antiterrorism authority of chapter 8 of part II of the Foreign Assistance Act provides the needed legislative authority for a comprehensive civilian law enforcement training program; it also includes the desired Congressional oversight procedures.

Moreover, the authority puts the necessary emphasis on human rights considerations which should be addressed when undertaking these programs.

--The concerns which gave rise to the 660 prohibition are adequately addressed by the reporting and consultation procedures already in the law. More fundamentally, these concerns are addressed by the fact that the proposed assistance is being proposed in a very different political and historical context than the programs that were terminated in 1974. We are not trying to strengthen the police as instruments of repressive governments. We are seeking to support fragile democracies threatened by extremists who wish to impose nondemocratic rule. This basic issue is addressed in greater detail in the responses to other questions.

Pell

4.

Q. Given the recent modifications in the Section 660 prohibition on police training, why didn't the Administration use Section 660 as the authority for the budget amendment, instead of the ATA program in which restrictions have been so recently reaffirmed by the Congress?

A. -- The recent modifications to section 660 merely removed a prohibition on assistance. They authorized no funds and granted no authority. Any program would have to be placed within an existing chapter of the Foreign Assistant Act or be the subject of a new chapter. In its assessment of the abilities of the countries in Central America to meet the regionwide terrorist threat, the Administration concluded that the best way to proceed was through the two-part program--a civilian managed program to assist the public security forces, and a military managed program for military counterterrorism forces. The existing legislative authority under the antiterrorism chapter, with modifications to meet the specific needs of the region, seems the best vehicle for a long term civilian program.

It is directed at the counterterrorism threat that exists and provides for Congressional oversight of the program through consultation and reporting requirements and insures that human rights conditions are sufficiently addressed in any proposed program.

The proposal also contains authority for a Counterterrorism Protection Fund for which there was no existing authority.

Pell

5.

Q. Do you believe the terrorist threat in Central America justifies the complete repeal of Section 660?

A. -- It is our view that the threat in Central America justifies the civil law enforcement program proposed in the Central American Counterterrorism Act to be undertaken pursuant to the authority of chapter 8 of part II of the Foreign Assistance Act of 1961 which contains a waiver of section 660. As we have stated in a number of our other answers, we believe that the proposed assistance will be provided under an existing authority which contains adequate safeguards--consultation, reporting and human rights provisions--to address the concerns that gave rise to section 660 in 1974.

-- Recent events in Central America have shown us that terrorism is on the rise in the region. The Zona Rosa murders, the kidnapping of duly-elected mayors and other officials, and the kidnapping of President Duarte's daughter are just a few examples.

-- What has become clear to us is that, as our aid to the Salvadorans has slowly but surely helped them gain the upper hand over the rebels, the insurgents, frustrated in the field, have increasingly turned to terrorist acts. Too many Americans have already lost their lives to this tactic, and our intelligence tells us that terrorism in the region is sure to increase. If we do not move to check it now, the terrorists in El Salvador will embolden other terrorists throughout Central America.

-- If local authorities are unable to cope with this growing threat the terrorists will be further encouraged to expand their activities. There is already proof that Cuba has begun encouraging terrorism against the newly-elected democratic government in Guatemala. The day after the elections, Radio Havana called the event an "electoral farce" and concluded "the alleged elections, far from weakening popular sectors, confirms the revolutionary assertion that the true solution to the country's evils lies in putting an end -- via armed struggle -- to the fascist military clique and its civilian puppets."

-- We thus believe, given the current and growing threat, our program is justified and sufficiently sensitive to the concerns represented by the Section 660 restrictions. Section 660 of course has not been repealed; it remains as a general prohibition against police training. The proposed program is geographically limited, is designed to meet a specific region-wide threat, and contains adequate procedural safeguards.

Q. Why does the Administration believe it is necessary to seek a waiver of the ATA program requirement that training services take place in United States?

A. -- Because of cost and other limitations, we believe that it is sometimes more efficient to provide certain training in-country, rather than in the U.S. Examples of such services that we believe would be better performed in-country are radio maintenance and driver training.

-- Courses such as driver training and radio maintenance are highly affected by the environment, and performing such training in the U.S. would not help the trainees to cope with their own circumstances.

-- Moreover, cost is a major factor. For example, it costs $2,000 per week per man to train in the U.S. (includes interpreters, escorts, transportation and housing). A 42-day course for 10 men in the U.S. would thus cost $120,000.

I. Police Training and Section 660

Q. Mr. Secretary, what is your understanding of how Congress came to adopt Section 660 of the FAA prohibiting police training?

A. Congress adopted Section 660 in response to human rights abuses, actual and perceived, perpetrated by foreign police and security forces, some of which had received U.S. training and equipment.

1.b.

Q. Do you believe that at the time such a provision of law was warranted?

A. -- At the time the law was implemented, many of the human rights violations occurred in countries run by military dictatorships. Section 660 was intended by Congress as a means to insure that the U.S. would not be associated with those dictatorships and thus damage U.S. foreign policy interests.

-- Over the past ten years the Congress has found reasons for several specific exemptions, for Coast Guard training, for anti-narcotics training, for anti-terrorism assistance, for Administration of Justice assistance, and finally, for support to the public security forces of El Salvador, Honduras and Costa Rica.

1.c.

Q. What specific steps should have been taken by AID to prevent the abuses associated with the public safety program in the 1960's?

A. -- As noted in public testimony by former SFRC Staff Director Holt on November 19, the Congress terminated the Public Safety Program because of the public perception that the U.S. was, through the program, associated with human rights abuses perpetrated by goverments that were or had become military dictatorships. The point here is that the Public Safety Program itself was not responsible for, or associated with, specific abuses.

-- The key to the program would, thus, appear to be the environment in which the program is being implemented -- in 1974 when the program was terminated the trend in Central America was a movement away from democratic government. Today, all the countries of the region, except Nicaragua, are moving toward democracy and have a political leadership committed to democratic values, foremost among which is respect for human rights.

2.D.

Q. Certainly in the cases of Guatemala and El Salvador the police forces failed to measure-up to our expectations. What went wrong?

A. -- As noted earlier, the programs were being implemented during a period of collapse of the democratic ethic. The absence of political leadership committed to democratic values resulted in the absence of such values in subordinate institutions.

-- The rise of insurgent forces which occurred simultaneously and which further exacerbated social cleavages was an additional factor resulting in political polarization and rending of the social fabric in these poor, politically and economically underdeveloped nations.

Q. In 1972 AID submitted testimony evaluating the effectiveness of the police training and equipment effort known as the police safety program. Would you comment on the following excerpts (i.e., you agree, disagree with the evaluations thirteen years later).

> i. El Salvador: "In this program, scheduled to terminate in fiscal year 1973, most of the objectives of the program have been met and El Salvador accordingly is often used as a model for other programs in the area." Please comment.

A. This statement was made in 1972 before the military coup, at a time when El Salvador was a stable country. It was not experiencing an insurgency or civil war, and human rights abuses would not become a question for several years.

3.B.

Q. ii. Guatemala: Telecommunications networks have tied all department headquarters with the capital and have been established with the Central America/Panama security network. A new police academy has just been inaugurated. Urban patrol in the capital has increased greatly." Please comment.

A. Guatemala has a rudimentary telephone and telegraph system which connects the main ministries in the capital with most outlying towns. The police academy, while open, is not professionally run, and the police forces are still grappling with corruption. We do not doubt that in 1972 that urban patrol had increased over earlier years. Today there is a lack of mobility and communications which makes older patrol capabilities inadequate.

Q. iii. Nicaragua: "Major steps have been taken in the development of a civilian police element of the national guard which is both the civil and military force for the nation." Please comment.

A. The assumption of power in 1979 by the Sandinistas resulted in the establishment of a totalitarian security system. The military and police organizations, advised by Cubans and eastern bloc personnel, operate under the auspices of the Sandinista party. These organizations are free from the constraints imposed on other Central American security forces.

4.A.

Q. Between 1962 and 1974 a substantial amount of equipment was provided Salvadoran police forces under the auspices of the public safety program. Equipment included more than 100 vehicles, jeeps and trucks, grenades, revolvers, carbines, radios, mobile radio units, an entire crime laboratory and other lethal and non-lethal commodities. Did the provision of all of that equipment help make the Salvadoran police more professional? Efficient?

A. -- The problems experienced during the Public Safety Program were largely a result of the historical trend at the time which saw many governments falling away from democracy. Now that that trend has been reversed, and we are seeing all of Central America -- except Nicaragua -- striving towards democracy, we believe the political environment is conducive to the type of training and equipment we propose to offer.

-- Any provision of equipment and commodities must be accompanied, and preceded, by appropriate training, beginning with senior managers so that technical and material support are integrated into overall planning for more professional and efficient institutions that can contribute to the consolidation of secure democratic societies.

Q. Was any of that US provided equipment used to perpetrate human rights abuses against Salvadoran citizens?

A. -- Neither U.S. training nor U.S. supplied equipment has been identified as responsible for or the cause of any specific human rights case.

4.C.

Q. Were US trained police officers involved in such abuses?

A. -- Some individuals who received training have been accused of involvement in such abuses.

Q. What role did Salvadoran police play in the beating and other physical abuse of Napolean Duarte in 1972 when the Salvadoran military fraudulently denied him the Presidency?

A. -- The government of El Salvador was taken over by a military coup when it became apparent that Jose Napolean Duarte would be the winner. His arrest and exile was carried out by the military forces. The perpetrators of that coup, and their successors, were themselves ousted in 1979 by reformist military officers who brought Duarte into an interim government. U.S. training and other assistance programs can neither be blamed for the events of 1972 nor given credit for the events of 1979.

Q. Guatemala: For almost 17 years the US provided Guatemala's police forces training and equipment through the public safety program. By most accounts, despite that effort, the Guatemalan police forces remained a brutal, repressive organization. What has changed within that organization that gives you confidence a new effort to train and equip will succeed where a 17-year effort failed?

A. -- Since the end of the Public Safety Program 11 years ago, there have been several changes in the Guatemalan security forces. The police functions have been removed from the military, and the new commanders are police officers, not soldiers. The democratic elections in November of this year produced two run-off candidates, both of whom are committed to gaining control over the security forces and improving human rights performance.

5.B.

Q. The two leading candidates in this week's Presidential elections have both indicated an unwillingness to prosecute or even investigate past abuses by the Guatemalan security forces because they have been so pervasive in those organizations. Should those responsible for murders and civilian disappearances be punished?

A. --Neither of the candidates has publicly discussed prosecution or investigations; it is untrue that they have indicated an unwillingness to do so. Both have, however, committed themselves to gaining control over the security forces and improving human rights.

--Of course those responsible for murders and civilian disappearances should be brought to justice. This ideal has not been achieved in the past. The proposed U.S. assistance to Guatemala is intended to help the new government improve the record for the future.

Q. How can you propose to deter such abuses in the future without wholesale cashiering of army officers and police officials in Guatemala?

A. -- We do not believe wholesale cashiering of army and police officers is required. We expect the security forces to cooperate with the new government. We also expect substantial attrition in the security forces through retirement.

-- The newly-elected civilian leaders have committed themselves to gaining control over the security forces and improving human rights. The military has indicated that it intends to subordinate itself to the new civilian government, and we expect reforms to begin when the new government takes office.

1.A.

II. *Changes in Law*

Q. Foreign Aid Bill: This year for the first time in four years Congress passed, and the President signed into law a foreign aid bill which provides broad new authorities in the area of police and anti-terrorism assistance. For example, Section 660 was waived entirely for El Salvador, Honduras, Costa Rica and the Eastern Caribbean. A broad new program to improve the Administration of Justice was authorized also waiving Section 660. Coast Guard training for coastal patrol police was permitted and the formal anti-terrorism assistance (ATA) program was nearly doubled. What steps have you taken to use these broad new authorities granted in PL-99-83 only last August?

A. -- Attached is the text of the October 29 letter from Secretary Shultz to Chairman Lugar informing the Committee of our intent 30 days subsequent to delivery of the notification to initiate a program of assistance to the public security forces of El Salvador. A second letter providing further program details was forwarded to the Committee on November 19. That letter is also attached.

-- Background material on the Administration of Justice program and maritime training (West Africa Coastal Surveillance) is attached.

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THE SECRETARY OF STATE
WASHINGTON

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October 29, 1985

COPIES TO:

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Dear Mr. Chairman:

In accordance with Section 660(d) of the Foreign Assistance Act of 1961, I hereby transmit President Reagan's determination that the Government of El Salvador has made significant progress during the preceding six months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for the non-violent expressions of their political views, or prolonged detention without trial. A discussion of the grounds for this determination is appended.

Pursuant to this notification, in thirty days I will direct the use of military assistance funds to El Salvador for the purpose of training public security forces. In accordance with the same section of law, a full description of the assistance which is proposed and the purposes to which it is directed is also appended.

As you know, we have forwarded to Congress a comprehensive legislative proposal for combatting terrorism in Central America. During consultations with Congress, we have stressed that our military assistance funds for fiscal year 1985 are fully committed and that all of the funds that may be made available in fiscal year 1986 will be required for direct action against the guerrillas. Because of the urgency of the threat in El Salvador, however, I believe that we need to provide rapid support to the public security forces there under existing authorization. Consequently, we plan to borrow military assistance funds already provided by the Congress until we receive funds requested in the counterterrorism proposal.

The Honorable
Richard G. Lugar,
Chairman, Committee on Foreign Relations,
United States Senate.

The constitutionally-elected Government of El Salvador is attempting to consolidate its democracy, revitalize its economy, and provide for the welfare of its citizens. El Salvador faces a violent guerrilla insurgency, abetted by Nicaragua. In defending against this anti-democratic threat, the Government of El Salvador seeks not only to meet the immediate need of domestic peace, but also to build stronger, more democratic governmental institutions for the future, including more professional public security institutions.

Professional police services and a functioning criminal justice system are critical elements of a free society. Citizens must rely on police protection. They must be confident that wrongs done them will receive redress through a fair procedure which accumulates, presents and weighs all relevant evidence. Equally, the police system must provide adequate safeguards to protect the accused while he is under suspicion of illegal activity.

In El Salvador, the government and people are under attack not by merely criminal elements, but by a politically motivated, well trained, experienced insurgent movement seeking to impoverish and destabilize the nation as the only path to the power it wants. These insurgents, in the face of increased military effectiveness in the field, are returning to the tactics of terrorism: small-unit movements, economic disruption, selected assaults against prominent leaders and the populace at large.

Although terrorism, per se, does not immediately threaten the Salvadoran government, its rampant and brutal nature and its place in a coordinated strategy of destabilization and guerrilla warfare makes it not merely an attack on the public peace, but also a threat to national security. In this environment, police and military functions overlap. The capacity of the terrorists to get training and materiel, to organize in a quasi-military fashion, to plan both strategically and tactically, and to mass forces to carry out an operation underlines the close identity between guerrilla warfare and terrorism in El Salvador.

Finally, both guerrilla warfare and terrorism threaten the future of El Salvador in the same way. They attempt to break the national consensus in favor of democracy by economic disruption and violence against the populace. They seek to elicit an overreaction from undertrained defenders. They seek to exaggerate the strength of the anti-democratic opposition through spectacular acts of violence or destruction.

The United States opposes terrorism wherever it occurs. In El Salvador, a nation struggling not only to restore peace, but also to correct the economic, social and political problems of the past, terrorism is doubly abhorrent. As we support the Salvadoran military in its fight against anti-democratic guerrillas, we must also support the Salvadoran public security forces in their efforts to restore peace, ensure the rule of law, and preserve the safety of Salvadoran citizens. The urgency of the growing terrorist threat demands our rapid support.

Sincerely yours,

George P. Shultz

THE WHITE HOUSE
WASHINGTON

October 29, 1985

Presidential Determination
No. 86-2

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

SUBJECT: Presidential Determination to Make Available Assistance to the Public Security Forces of El Salvador

Pursuant to Section 660(d) of the Foreign Assistance Act of 1961, as amended, I hereby determine that the Government of El Salvador has made significant progress, during the six month period preceding this determination, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial.

You are requested to report this determination to the Congress immediately, together with a full description of the assistance to be provided and of the purposes to which it is to be directed. None of the assistance so provided shall be furnished until 30 days after such a report has been made, as required by law.

I hereby delegate to the Secretary of State authority to make such determinations and reports as called for in the future under Section 660(d).

This determination shall be published in the Federal Register.

Ronald Reagan

cc: The Honorable Caspar W. Weinberger
The Secretary of Defense

Human Rights

Section 660(d) of the Foreign Assistance Act of 1961 authorizes the President to provide assistance to public security forces of El Salvador, if the President determines that there has been significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial.

General

The Salvadoran Government continued to make significant progress in eliminating human rights abuses by extremists of both the far left and the far right. In contrast to the past, there is no credible evidence that human rights violations of any kind occur with even tacit government consent. In addition to his firm, public commitment to improved observance of human rights in El Salvador, President Duarte seeks institutional changes to consolidate and extend those improvements into the future.

The Duarte government has dramatically reduced the level of political violence and the ability of criminals to act with impunity. The best index -- press reports checked by our Embassy -- indicates that there were 189 victims of political violence against civilians during the first half of this year, the last six months for which we have reports; in contrast there were 517 such victims during the same period in 1984.

The Duarte government is also committed to protecting the civilian population from the violence of the internal conflict as much as possible. For example, in September 1984, President Duarte issued stringent guidelines on aerial combat operations stressing the importance of fire discipline and preservation of non-combatant lives. We know of no instance when these guidelines have been disregarded. We are aware of specific instances when, even though in a combat situation, pilots have withheld fire to avoid civilian casualties. A recent case demonstrates the seriousness with which the Salvadoran military view these responsibilities to civilians: when an Air Force pilot mistakenly dropped several bombs on a small village, the Salvadoran government publicly acknowledged responsibility and paid compensation to the residents of the village.

The FMLN/FDR, however, in the face of increasing pressure in the field, has aimed more directly at civilian targets. During the last six months, they have kidnapped more than 23 elected mayors; who they held captive for several months. On June 19, a guerrilla death squad murdered thirteen persons in a San Salvador cafe, four U.S. marines and two private U.S. citizens among them. On September 10, they kidnapped the daughter of President Duarte and held her hostage for over a month. The guerrillas have just announced that their current offensive against the transportation system, the eleventh this year, will continue "indefinitely," with the associated mining of roadways, machinegunning of buses, and terrorization of the civilian population.

Torture, Incommunicado Detention, Prolonged Detention Without Trial

Inadequate investigative skills and facilities have led in the past to prolonged trials and, in some cases, to abuse of prisoners to obtain confessions. On July 4, the Legislative Assembly passed legislation establishing a civilian Commission for the Investigation of Criminal Acts to oversee the work of a new, more professional investigative body. In establishing this unit, President Duarte listed the Archbishop Romero case, the Las Hojas case, the Armenia case, the Sheraton case, the Sullivan case, and the June 19 murders as the crimes on which he wanted the unit to focus. In August, the Salvadoran Attorney General ordered the Romero murder investigation reopened. That case and the others named by President Duarte continue under active investigation. In two of the cases, Las Hojas and Sheraton, the government has appealed recent court rulings favorable to defendants. The newly-established unit is also coordinating the investigation of the kidnapping of President Duarte's daughter.

The Salvadoran Government is acting rapidly to improve the criminal justice system by developing more professional and disciplined public security forces and by improving the judicial system. With U.S. assistance, President Duarte seeks to ensure that the full force of law will be brought against the guilty while the rights of the accused are fully protected.

Prisoner abuse and incommunicado detention have been largely remedied by standard procedures for notification of families and other interested parties, including human rights organizations. These procedures are followed in virtually every arrest. Although there are allegations that prisoner abuse occurs at clandestine jails, the Salvadoran Security Forces claimed to have abolished them in 1984 and we have no evidence that such jails continued to exist past that date.

Under current Salvadoran statutes and regulations, in cases of persons accused of common crime, family members must be notified of arrest within 72 hours. Arresting authorities observe this requirement in the vast majority of cases, usually notifying by telegram because so few families have telephones.

Decree 50 was passed in February 1984 to provide additional safeguards to those accused of "state of emergency" crimes against the security of the nation. In Decree 50 cases, family members, the International Red Cross, the governmental Human Rights Commission, and the Catholic Church's human rights office must be notified of a person's arrest immediately. He must be presented to a judge within fifteen days of arrest for determination of probable cause and further investigation. In the cases of Nidia Diaz, a leader of the PRTC guerrilla organization, and the three participants in the June 19 murders, notification to the required organizations and formal remand to a magistrate occurred within the required period. Virtually all human rights observers have found these notification procedures to be working well.

Following initial investigation and determination of probable cause, cases are sent to the Court of First Instance for trial. In some instances, the Court of First Instance finds that the case has been inadequately prepared and remands it to the lower level for additional work; this is an important cause of delay in both criminal and "state of emergency" cases.

Decree 50 established a special court to hear "state of emergency" cases. The backlog of Decree 50 cases inherited from the previous legal regime had been eliminated by February 1985, in large part by dismissal of charges in the cases where inadequate investigative work had been done at the lower level. On May 15, however, the only Decree 50 magistrate of the Court of First Instance, Judge Araujo, a man of impeccable reputation who had worked to achieve rapid and honest processing of these highly sensitive cases, was murdered by terrorists of the far left. In the interim before a new magistrate could be appointed, cases began to again pile up. In July, Judge Jorge Alberto Serrano was selected to replace him; he has now begun to hear cases again.

As the foregoing indicates, major revisions in legal procedures have already begun to improve the working of the criminal and "state of emergency" systems in El Salvador. Further changes are in the works.

In an effort to further speed judicial processing of criminal and "state of emergency" cases, Minister of Justice Julio Alfredo Samayoa has introduced legislation levying fines on attorneys who refuse to fulfill their obligation under Salvadoran law to act as public defenders for the indigent. The proposal is pending before the Salvadoran Legislative Assembly now.

In one of the key developments for long-range improvement of the Salvadoran justice system, on June 13 the Legislative Assembly created a Revisory Commission to examine and recommend broad improvements in the justice system. The affirmative vote of all 52 assembly members present at that session demonstrates the broad support for the commission and, more generally, for reforming the Salvadoran system of justice. Following the vote, commission members submitted a work plan and budget for review by other government agencies. A line item in the national budget was approved for the commission, thereby enabling it to receive and administer its own funds.

Detention of Persons for the Non-violent Expression of Views

The Duarte government's determination to observe civil liberties and to avoid abuses of power has allowed groups violently opposed to the government to regularly broadcast their views over the Salvadoran news media. The head of the guerrillas' political front organization, for one, has issued radio pronouncements condemning the government and justifying the actions of his guerrilla associates. In addition, committees, unions and commissions which make little effort to disguise their affiliation with the FMLN/FDR are able regularly to print anti-government broadsides and to organize politically-motivated strikes and demonstrations without interference. Although waging war on the government in the countryside, the guerrillas are able to agitate in the cities, shielded by the government's commitment to observe human and civil rights.

DESCRIPTION OF ASSISTANCE

Counterterrorism in El Salvador combines police and military techniques to meet a threat which combines elements of guerrilla warfare with open criminality, both in urban and rural areas. The far left's capacity to use materiel and training in their campaign of terrorism, their ability to mass forces, their ability to plan strategically and tactically, and the place of the terror campaign in a national strategy to destabilize the government all demonstrate the close identity between counterterrorism and the fight against guerrilla insurgents. The training curriculum, composed entirely of military techniques, responds to the quasi-military nature of the Salvadoran terrorist threat.

Thirty days after this notification to Congress, three members of the U.S. military assistance group in El Salvador will begin training units of the Salvadoran Public Security Forces in the following skills and techniques:

-- counterambush techniques, to permit greater security while patrolling in both urban and rural environments,

-- roadblock security and conduct, to permit safer and more effective control of streets and highways, a prime terrorist target,

-- safe entry of buildings, to improve techniques in raids on safehouses, headquarters and other terrorist strongholds,

-- urban search techniques using cordon procedures, to permit rapid response and seizure of persons fleeing or in hiding,

-- target discrimination, to ensure maximum safety to civilians and fellow public security forces in congested areas and in rural operations with heavy cover,

-- use of aircraft in a coordinated operation, to ensure that discovery of unexpected guerrilla strength can be met with a rapid response, and

-- rappelling techniques for egress from a helicopter, to permit insertion of forces at key points.

In all training, protection of innocent civilians and the rights of those suspected of wrongdoing will be emphasized.

The units to be initially trained were selected on a priority basis from each of the three Public Security Forces in El Salvador: the Treasury Police (customs), the National Police (urban) and the National Guard (rural). About 420 persons will be trained in this cycle. The training will take place in San Salvador and environs and will be directed toward greater security in the region of the national capital.

This will be the first of several cycles of these courses, planned to take about nine months overall. In January, essentially the same curricula will be given to: security force detachments outside El Salvador, recruits and NCOs, and there will be some retraining. Except the NCO course, which will be smaller, all courses will have approximately 420 trainees.

Because of the urgency of the terrorist threat, Salvadoran trainers are already providing basic instruction to the units to be trained by U.S. personnel at the expiration of the notification period. Although U.S. personnel may observe this component, they will not participate in it, nor will U.S. assistance funds be expended on it. Course matter for this component includes: marksmanship, personal hygiene, basic use of communications equipment, map reading, search and segregation of prisoners, password conduct, physical training, first aid, and basic movement techniques. This component will also be present in subsequent training cycles.

Following expiration of the notification period, rifles, ammunition, patrol vehicles and light communications gear will also be provided through U.S. assistance.

United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

On October 29 Secretary Shultz notified the Congress of the President's determination, pursuant to section 660(d) of the Foreign Assistance Act of 1961, that the Government of El Salvador had made significant progress in human rights. Transmitted with that notification was a description of assistance intended to be provided to the security forces of El Salvador, beginning 30 days thereafter.

By a separate letter dated September 24, I notified the Congress, pursuant to section 574(a)(1) of the Foreign Assistance Act of 1961, that the Executive Branch intended to provide anti-terrorism assistance to El Salvador.

Both of the above-described notifications were intended to permit a prompt response to President Duarte's urgent request for assistance that would better enable the Salvadoran security forces to counter the immediate threat from growing terrorism in that country. Our intention was to utilize existing authorities and funds to meet the most urgent needs, while recognizing that a more complete program would have to await the enactment of authorizing legislation and appropriations as requested in our proposed Central American Counterterrorism Act of 1985 (S. 1757 and H.R. 3463) and a related budget amendment for FY 1986.

During the past two weeks, we have engaged in extensive discussions with the Government of El Salvador and consulted with our embassy in San Salvador. On the basis of these deliberations we have identified El Salvador's most immediate specific needs to respond to the current severe threat. An agreed interim program has been approved by the Central America Working Group of the Interdepartmental Group on Terrorism. During the same period we have received several questions from concerned committees of Congress about specific intentions and details of the interim program. I am pleased to provide the following information in amplification of the two previous notifications.

The Honorable
Richard G. Lugar,
Chairman,
Committee on Foreign Relations,
United States Senate.

The interim program is designed to meet three objectives: (1) to provide a political response to the guerrilla threat to repeat a Zona Rosa-type attack against U.S. personnel, (2) to give the public security forces an initial capability consistent with the proposed long-term program of strengthening the counterterrorism capabilities of the public security forces, and (3) initiate a program designed to enhance the commitment of the Salvadoran Government to the evolution of a public security force system distinct from the military.

Because of the wartime situation that exists in El Salvador today, the public security forces perform a dual function of normal police protection and counterterrorism activities. Units of the National Guard, National Police and Treasury Police are organized at battalion level into units which coordinate with counterpart military organizations. The purpose of this system is to free military units from the need for static protection of urban areas. The public security forces therefore perform both a military function and a police function. The interim program attempts to address immediate needs in the need in the context of this duality of functions.

Anti-Terrorism Assistance to Public Security Forces

Thirty days after delivery of this letter, we plan to initiate the following two training courses in the United States:

1."Senior Official Law Enforcement/Counterterrorist Seminar," 14 days of intense on-the-scene visits and discussions of modern police organization, tactics, planning procedures, analytic systems, logistical structures and methods, giving strong emphasis within all law enforcement operations to human relations. This course, for five to ten participants, provides the level of knowledge needed to integrate modern methods into a police structure.

2. "Counterterrorist Patrol Operations," 30 days of intense day and night experience within the patrol division of a major police department. Ten to twenty participants (shift and patrol area commanders) will see how a patrol division is organized by time and geography as well as how patrol officers are trained, briefed, supervised and coordinated. They will learn how to work with the procedures of a coordinated operational plan, how to develop the correct strategy, and answer to a specific commander.

Three additional training courses will be implemented in the United States as GOES personnel become available.

3. "Counterterrorist Command and Control Procedures," 30 days spent covering the command structure of a major police department. This course, designed for 15 - 20 participants, will demonstrate how patrol, detectives, maintenance shops, radio rooms, and administrative support functions are melded together into a cohesive unit. This course will allow tactical commanders, such as precinct commanders, to focus on details needed to operate a modern police department.

4. "Counterterrorism Training Skills," 30 days of training conducted by a police academy training staff which has focused on developing unique courses for police officers who find themselves in situations such as armed crimes in progress, ambushes, hostages, bombings, and kidnappings. This course will concentrate on ensuring attendees can train others.

5. "Human Relations and Internal Disciplinary Systems," 14-day course studying the art and science of operating modern police departments without offending or abusing people, and to study how an efficient internal disciplinary system works to this end. Participants should be lieutenant colonels and majors of the various police organizations.

In addition, we will provide under the anti-terrorism assistance program classroom and firing range training equipment at a later date when the GOES is prepared to utilize these items.

Military Assistance to Public Security Forces

As described in the October 29 notification letter from Secretary Shultz, training of the public security forces will begin 30 days thereafter (November 28). Training will be provided by five U.S. military trainers already assigned to El Salvador. The training curriculum, composed entirely of military techniques, responds to the quasi-military nature of the Salvadoran terrorist threat. During FY 1986, four courses will be conducted for the following groups of public security forces: the public security units in metropolitan San Salvador; public security units outside San Salvador; police and NCO recruits; and public security units needing retraining.

The training curriculum, beginning during the first week of December, will consist of the following:

Basic Skills

- physical fitness
- personal hygiene
- public relations/human rights
- weapons marksmanship
- weapons maintenance
- first aid
- individual movement techniques
- use and maintenance of radios
- reporting procedures
- prisoner handling
- challenge and password
- map reading/land navigation
- vehicle maintenance

Advanced Techniques

- counterambush techniques, to permit greater security while patrolling in both urban and rural environments,
- roadblock security and conduct, to permit safer and more effective control of streets and highways, a prime terrorist target,
- safe entry of buildings, to improve techniques in raids on safehouses, headquarters and other terrorist strongholds,

- urban search techniques using cordon procedures, to permit rapid response and seizure of persons fleeing or in hiding,
- target discrimination, to ensure maximum safety to civilians and fellow public security forces in congested areas and in rural operations with heavy cover,
- rappelling techniques for egress from a helicopter, to permit insertion of forces at key points in a coordinated operation, to ensure that discovery of unexpected guerrilla strength can be met with a rapid response.

Protection of citizens and the rights of those suspected of wrongdoing will be emphasized. Respect for and enhancement of internationally recognized human rights practices will be integral elements of all series of instruction and assistance and will be fully reported to the Congress.

The units to be initially trained will be selected on a priority basis from each of the three public security forces in El Salvador: The Treasury Police (customs), the National Police (urban) and the National Guard (rural). About 420 persons will be trained in this initial cycle. The training will take place in San Salvador and environs and will be directed primarily toward greater security in the region of the national capital.

Except the NCO/recruit course, which will be smaller, each course will have approximately 420 trainees. By the end of FY 1986 it is planned that Salvadoran instructors will assume primary responsibility for this military type training.

In coordination with this training, the following equipment will be provided under the military assistance program following expiration of the 30-day notification period on November 28:

Transportation

Ford five-ton and two-ton trucks,

Ford Ltd diesel heavy duty patrol vehicles, with heavy duty cooling and Suspension system, and upgraded 24-volt electrical system, and

Vehicle spares and repair shop.

Communications

Base Stations
  MCX 100 Fixed Base Unit,

Mobile Stations
  MCX 100 Motorola,

Handheld Radios MX 300 with
  Charger Motorola, and

Handheld Radios MT500 with
  Charger Motorola.

Costs of Urgent Interim Assistance to Public Security Forces

The total costs of the above described anti-terrorism assistance will not exceed $500,000, from FY 1986 anti-terrorism assistance funds already, or to be, appropriated. (This is separate from the $12,000,000 included in the Executive Branch legislative proposal for a Law Enforcement Counterterrorism Assistance Program for El Salvador.) The total cost of the above-described military assistance will be approximately $4.5 million, depending upon how soon Congress acts on the pending legislation. These immediate training and equipment needs will be met from previously obligated FY 1984 and 1985 foreign military sales credit and military assistance funds. It is intended that other planned military assistance for El Salvador, deferred to meet this urgent priority, will be restored when military assistance funds are appropriated for a Regional Enhanced Counterterrorism Assistance Program for El Salvador. It is only in this sense that we contemplate "borrowing" military assistance funds.

Some Members of Congress have inquired as to which military assistance needs would be deferred in order to make available funds for the counterterrorism training and equipment to be provided to the Salvadoran security forces. Required funding for El Salvador in FY 1986 was budgeted at $132.6 million, including $73.4 million for sustainment, $11.5 million for mobility, $3 million for fire support, $9 million for infrastructure, $9.25 million for C3I, $8 million for medical assistance and $14.4 million for training. An appropriation to meet these needs has not yet been enacted. It is our intention to defer assistance in the areas where immediate expenditures can be temporarily delayed, including in the area of infrastructure, in order to fund the equipment and training programs urgently needed to enhance counterterrorism capabilities. Other training, C3I, and medical assistance will not be delayed. The ATA program will, of course, be drawn only from funds appropriated for that program.

It should be noted that assistance for the Salvadoran public security forces was provided in FY 1985. The Salvadoran security forces, which are a separate administrative unit under a Vice Minister for Public Security of the Ministry of Defense, have both law enforcement and military responsibilities. However, in the past, those units to which we have provided assistance have had to forego continued performance of law enforcement functions in order to be eligible for U.S. assistance. The difference for FY 1986 is that the President's determination under section 660(d) of the Foreign Assistance Act eliminates the requirement that members of the Salvadoran public security forces who receive such assistance be precluded from performing law enforcement duties in addition to their military functions. Since the interim assistance is to be provided under existing authority and with currently appropriated funds, it will not prejudice future decisions by Congress on FY 1986 programs.

Relationship to Proposed Legislation

I have provided in this letter a description of how existing funds and authorities can be used for the most immediate counterterrorism assistance needs in El Salvador. As a practical matter, this will permit us to initiate stopgap measures that cannot be responsibly delayed. However, these measures do not constitute an adequate program for El Salvador. There is no substitute for early enactment of the Central American Counterterrorism Act and appropriations thereunder. Without the requested legislation terrorism will remain a major threat to U.S. personnel and to the democratic governments we are assisting in Central America. The threat is great and the capacity of local authorities to respond is seriously inadequate. Yet, only local authorities can assume responsibility for responding to the critical situation. With this legislation we will have a basis for helping El Salvador and the other countries in the region respond effectively to the threat of terrorism -- to us and to our friends -- in a manner fully consistent with the consolidation of democratic institutions and respect for human rights.

The present situation in El Salvador reflects an urgent need for the counterterrorism training and assistance. Intelligence, being briefed to Members in closed session, clearly indicates that the guerrillas have committed themselves to a tactical increase in urban terrorism and in general terrorist activities. Information from El Salvador has pointed out the vulnerability of public buildings in San Salvador, similar to the situation recently confronted by the Government of Columbia. The recent Washington Post series on the guerrillas in El Salvador is a clear statement of the threat.

The article underscores the guerrillas' intention to increase terrorism -- kidnapping, assassination -- against both Salvadoran authorities and U.S. personnel. We face the prospect of more incidents of the type suffered in the June 19 Zona Rosa incident in which six Americans and seven others were brutally murdered. The democratic governments of the region face the prospect of more kidnappings such as the recently concluded ordeal of President Duarte's daughter.

The kidnapping of 23 mayors and other municipal officials is another example of the guerrilla intention to increase their terrorist activity. These kidnappings of rural officials and the urban attacks such as the Zona Rosa murders are examples of the dual role currently imposed on the public security forces by terrorist action and of the coordination that is required between the counterterrrorism capabilities of the public security forces and the military.

Terrorism is like a spreading plague. To be effective, we need to ensure that all of the countries of the region are eligible for this assistance -- including Guatemala and Panama. While the timing and implementation of the programs will be adapted to the circumstances of these countries, it is important not to allow any inference that we are unconcerned about terrorism in those countries by leaving them out of the bill.

I hope that the foregoing answers any questions you may have about our interim plans. We would be pleased to provide any additional information that you believe would be helpful.

With best wishes,

Sincerely,

William L. Ball, III
Assistant Secretary
Legislative and Intergovernmental Affairs

Q. Why do you feel new authorities are still needed?

A. -- First, Section 660(d) waives a prohibition without providing a positive grant of legislative authority or authorizing appropriations.

-- Second, 660 provides no funding for military counterterrorism assistance.

-- Third, 660 makes no provision, authorization or funding, for the proposed Counterterrorism Protection Fund.

-- Finally, it is the Administration's view that for purposes of implementing a program of counterterrorism assistance to public security forces, it is preferable to maintain a single organization, the Anti-Terrorism Assistance Office of the Department of State, as the implementing agency for these programs. Rather than assign such responsibility to AID, or create an additional bureaucratic organization, ATA already has the proven capability for implementing such a program. Most importantly, chapter 8 of Part II of the Foreign Assistance Act already establishes legislative authority, reporting and Congressional oversight procedures.

Q. Why have you chosen to run all of the police training and equipment effort through the Chapter VIII ATA authority rather than, say, the Section 660 waiver granted for El Salvador and Honduras?

A. -- Section 660 narrows a prior constraint against police training. It is not a positive grant of authority for such a program. Chapter 8, Part II, of the Foreign Assistance Act provides such a positive grant of authority. ATA is a current and very successful functioning bureaucratic entity, one with which Congress and congressmen are already well-acquainted and which is fully in place in the State Department.

-- It is the Administration's view that for purposes of implementing a program of counterterrorism assistance to public security forces, it is preferable to maintain a single organization, the Anti-Terrorism Assistance Office of the Department of State, as the implementing agency for these programs. Rather than assign such responsibility to AID, or create an additional bureaucratic organization, ATA already has the proven capability for implementing such a program. Most importantly, Part II of the Foreign Assistance Act already establishes legislative authority, reporting and Congressional oversight procedures.

3.A.

Q. The Administration's bill, S. 1757, if approved, would ease or repeal restrictions in the law adopted by Congress just last August. For example, it would permit assistance to Guatemala upon the election of a civilian government rather than the actual civilian accession to power required by current law. The certification requirement contained in PL 99-83 would also be waived. Furthermore, the restrictions in ATA -- the $325,000 ceiling on equipment which may be provided and the requirement that training be done in the US -- would be waived. What is the justification for these legislative changes to a law that is not yet three months on the books?

A. -- Section 703 of the International Security and Development Cooperation Act of 1985 was drafted in early 1985 when it was by no means certain that the Presidential elections and transition to civilian government would occur.

-- That process began November 3 and will continue December 8 when a run-off will be held to choose the new President to be inaugurated January 14.

-- We would like to provide very limited counterterrorism assistance to Guatemala before the inauguration. Guerrilla groups in Guatemala, encouraged by Cuba, have stated that they will disrupt the democratic process in Guatemala.

-- The ATA limit of $325,000 for equipment is a world-wide total, and is obviously too little for our program needs.

-- Because of cost and other limitations, we believe that it is more prudent to provide certain training in-country, rather than in the U.S. Examples of such services that we believe would be better performed in-country are radio and weapons maintenance training and driver training. For example, it costs $2,000 per week per man to train in the U.S. (includes interpreters, escorts, transportation and housing). A 42-day course for 10 men in the U.S. would thus cost $120,000.

-- We also feel that courses such as driver training and radio maintenance are highly affected by the environment, and that performing such training in the U.S. would not help the trainees to cope with their own circumstances.

Q. Why did you not seek these changes during House consideration of the foreign aid bill in July?

A. -- The amendments are proposed in the context of a program that responds to a terrorist threat developing throughout 1985, culminating in the Zona Rosa murders of 13 individuals on June 19. The Administration was late in responding to this trend and put forward to Congress this comprehensive proposal following careful review of the situation and possible remedies.

Q. In 1982-1983 the original administration rationale for the ATA program was that it would be a small-scale training program, providing only non-lethal equpment and in small quantities, to help countries thwart terrorist incidents such as hostage-taking, airport bombings, kidnappings for ransom and the like. The current proposal would represent a great leap forward (or backward) in the evolution of that program. It would permit lethal equipment on the munitions list, out-of-country training, and increase funding of the program tenfold. Why this sudden shift in the focus of this program?

A. -- The ATA program is not shifting focus. The Central American Counterterrorism Act of 1985 seeks a positive grant of authority under Chapter 8, Part II, of the Foreign Assistance Act. It does not replace that program, which operates or will operate separate ATA programs in Costa Rica, Honduras and El Salvador in coordination with the proposed RECAP and LECTAP programs, the Administration of Justice program, narcotics interdiction programs and intelligence programs.

Definitions

Q. Could you describe for us what you mean by a counter-terrorism program? What are its elements? How does it differ from the old public safety programs? What kinds of things would you exclude from such a program?

A. -- The Administration has put forward a comprehensive Counterterrorism program, details of which have been provided to Congress. The program description is contained in the letter from Secretary Shultz of October 29.

-- The program described above will differ in the following respects from a Public Safety Program:

I. Change in political environment:

- elected governments in Central America
- USG concern for human rights as a major element of US policy
- US political/economic/military support for democratic government in Central America -- but no support to security institutions.

II. First requirement for bilateral program under the proposed bill is a political commitment by elected government to democratic government and to responsible public security organizations.

III. Operational/implementational procedures are designed with past experience as a guide:

(a)management directly by the Ambassador and Country team with oversight from Interdepartmental Group on Terrorism and Central American Working Group. No technical bureau will provide policy oversight.

(b)Bureau of Human Rights will participate in program design and clearance procedures.

(c)no corps of resident training staff or advisors. Will be run by existing Office for Anti-terrorism Assistance and by Military Groups in each country.

(d)State-side expertise will come from established US law enforcement institutions (federal and local) on a cooperative, reimbursable basis.

(e)Institutional Approach top down:

(1) Orientation and Training sequence

-political level

-Chiefs, Commanders, senior managers

-Mid-level supervisors

-Technicians/instructors

(2) Human rights and community relations

-Integral part of training cycle

-Part of institution-building: internal affairs unit

(3) Equipment: related and follows specific training

IV. Oversight

A. Public Advisory Panel: Chiefs of Police, officers of professional US police organizations

B. Congressional

-annual budget submission

-a program, not an institution

-reports: regular Congressional oversight through Section 543

-- The program is limited in scope and intent to the kinds of assistance described in the attached document.

-- As noted by Administration witnesses, no training or equipment will be provided that would be construed as facilitating or aiding abuse of human rights.

RESPONSES OF DEPARTMENT OF STATE TO QUESTIONS ASKED BY SENATOR ZORINSKY

Q. It has been stated many times by Administration officials that terrorism is a world-wide problem. As justification for this program, the Administration cites the deaths of the Marines in El Salvador and the abduction of President Duarte's daughter. Add to these the Achille Lauro, the death and destruction brought on by the bombing of US facilities in Beirut, and daily incidents, including kidnappings of US citizens around the world. Why has the Administration developed a program for Central America exclusively?

A. -- We believe that the terrorist situation in Central America is especially acute. In some other parts of the world where terrorist incidents routinely occur, notably West Germany and Israel, the governments already have an established counterterrorism capability. They are also strongly democratic governments which do not face the prospect of being destroyed by terrorism.

-- The situation in Central America is different. The governments there are in the early stages of democracy, with the exception of Costa Rica, have virtually no counterterrorist capability, and, in fact, lack the essentials of basic law enforcement, and thus are especially vulnerable to terrorism.

-- The problem of terrorism in Central America is a regional one, distinct from the intra-regional conflict brought on by the PLO or Libyan state-sponsored terrorism, but which also touches Central America.

-- Central American terrorism is thus clearly linked to political insurgencies in specific countries where the objective is replacement of democratic political systems.

Q. The State Department's briefing materials make the case for the Salvador program citing the deaths of the Marines and the abduction of President Duarte's daughter. The justification for the other countries seem to be on weaker grounds. For example, it is stated for Honduras that preparations "may be underway" to escalate attacks. The Panama notes speak of "potential US targets" and admit that there are "no organized anti-government groups." The Guatemala section points to "indications that they may be moving towards more urban terrorism."

I realize that it is good to be prepared, but I question whether this ambitious program is based too much on a "potential" rather than "actual" threat in the various countries. Perhaps the Administration has information which cannot be divulged in this open hearing. If necessary, I am sure that an executive session can be scheduled.

A. -- The Committee was provided on November 18 with a classified threat briefing by the CIA.

-- That briefing indicated that recent events in Central America have shown us that terrorism is on the rise in the region. The Zona Rosa murders, the kidnapping of duly-elected mayors and other officials, and the kidnapping of President Duarte's daughter are just a few well known examples.

-- What has become clear to us is that, as our aid to the Salvadorans has slowly but surely helped them gain the upper hand over the rebels, the insurgents, frustrated in the field, have increasingly turned to terrorist acts. Too many Americans have already lost their lives to this tactic, and our intelligence tells us that terrorism in the region is sure to increase. If we do not move to check it now, the terrorists in El Salvador will embolden other terrorists throughout Central America.

-- An increasing volume of intelligence confirms the growing risk of terrorism in Central America. If local authorities are unable to cope with this growing threat the terrorists will be further encouraged to expand their activities.

-- There is already evidence that Cuba has begun encouraging terrorism against the newly-elected democratic government in Guatemala. The day after the elections, Radio Havana called the event an "electoral farce" and concluded "the alleged elections, far from weakening popular sectors, confirms the revolutionary assertion that the true solution to the country's evils lies in putting an end -- via armed struggle -- to the fascist military clique and its civilian puppets."

-- We thus believe that, given the current and growing threat, our program is justified.

Q. How, in specific terms, does the proposed LECTAP program differ from the Public Safety program of the 1960's and the 1970's?

I. Change in political environment:

- elected governments in Central America

- USG concern for human rights as a major element of US policy

- US political/economic/military support for democratic government in Central America -- but no support to security institutions.

II. First requirement for bilateral program under the proposed bill is a political commitment by elected government to democratic government and to responsible public security organizations.

III. Operational/implementational procedures are designed with past experience as a guide:

(a)management directly by the Ambassador and Country team with oversight from Interdepartmental Group on Terrorism and Central American Working Group. No technical bureau will provide policy oversight.

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-Mid-level supervisors

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-Integral part of training cycle

-Part of institution-building: internal affairs unit

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-- The program is limited in scope and intent to the kinds of assistance described in the attached document.

-- As noted by Administration witnesses, no training or equipment will be provided that would be construed as facilitating or aiding abuse of human rights.

-- The major difference between the two programs is the context in which our program would be implemented. When the Public Safety Program was being implemented, the trend in Central America was away from democracy. Now, however, we see that the trend is in the other direction: movement toward democracy is the rule, rather than the exception. Our program is thus being proposed as part of a broader policy of support for fragile, nascent democracies. Now that the trend in Central America _is_ toward democracy, we want to ensure that this is not just another swing of the pendulum.

-- Training will start at the top with the senior police, administrative, and management officers. Further, the emphasis in equipment is on communications and transportation items, which we feel is the priority need for the region's police forces.

-- All of our training courses contain a heavy emphasis on human rights, and in fact one of our first and most important courses, developed under the very successful ATA program, is a four-week class on Human Rights.

-- The program we are asking Congress to approve provides for significant institutional linkages that were not built into the Public Safety Program. All of the programs of assistance to police will have built-in controls and oversight by the implementing federal agencies and by the state or local police organizations who will have a direct role in program implementation. These institutional linkages with U.S. security organizations that are professional, disciplined and concerned for the welfare of citizens is designed to make the human rights elements an intrinsic part of the training.

Q. The political situation involving the military and security forces in Panama bears watching in light of the situation created by the forced ouster of President Ardito Barletta by the armed forces. Is this causing the Administration any second thoughts on including Panama in the program?

A. -- President Barletta resigned his office after the military informed him they shared the widespread dissatisfaction with his leadership felt throughout the country. The Administration did consider the situation in Panama, and concluded that because of the extraordinary security interests in the country, including the Canal and the thousands of Americans stationed there, and the large number of terrorists who use Panama as a safe haven, that Panama should be included in the grant of authority in the region-wide program.

-- However, the Panama program will only be considered after a careful evaluation has been made of the situation in Panama and it is determined that such a program will enhance movement toward democratic government.

Q. Describe what specific capabilities the RECAP program will provide the Salvadoran millitary over the next six months.

A. -- The Defense Security Assistance Agency is responding to this question.

Q. Describe to the extent you can in a public hearing the indications you have that urban terrorism will rise over the next year.

A. -- The Washington Post ran a series of three articles November 7,8,9 - attached, confirming that the five-member guerrilla organization is being consolidated under the control of the Communist Party and its military faction and that the organization has adopted a strategy of increased terrorism -- specifically directed against the Duarte Government and the United States.

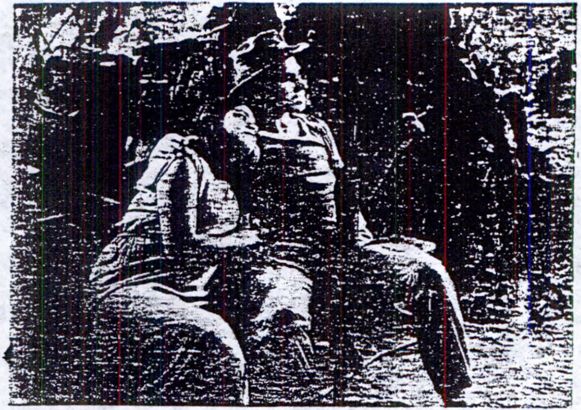
-- In their own words to a U.S. journalist, the Salvadoran guerrillas have stated clearly that terrorism will rise over the next year.

-- Further information was provided in the closed session briefing on the threat.

THURSDAY, NOVEMBER 7, 1985 THE WASHINGTON POST

EL SALVADOR'S GUERRILLAS

First in a Series



BY KEVIN MCKIERNAN FOR THE WASHINGTON POST

ng guerrilla keeps gun nearby even while relaxing with his girlfriend in rebel-held territory in Chalatenango.

ebels Optimistic Despite Army Attacks

By Robert J. McCartney
Washington Post Foreign Service

EL ZAPOTE, El Salvador—Ri- barrels clicked against each er on the crowded dance floor week as leftist Salvadoran errillas and their peasant sup- ters threw a party on the ch of a long-deserted hacienda e.

he only light came from two ping lanterns. In these heavi- orested mountains, as in other el strongholds, electricity has en lacking for years. The civil has reduced most of the isolated, mud-brick houses in the area to overgrown, crumbling ruins linked only by narrow trails.

The guerrillas were celebrating the return to their ranks of five comrades released from prison the previous week as part of an exchange in which President Jose Napoleon Duarte got back his kidnaped daughter. A guerrilla leader here, Leonel Gonzalez, said the deal showed that the rebels were winning their fight against the U.S.-backed government.

"The enemy is suffering a severe crisis," he said. "Our comrades are here as the product of the advance of our forces."

The assembled guerrilla fighters, political organizers, field nurses, radio operators and poor farmers readily accepted Gonzalez's analysis. They lustily chanted slogans such as "On toward the final victory!" and "We will win!"

Despite their apparent optimism and determination, however, El Salvador's revolutionaries are under siege. Jet bombers, helicopters and well-armed infantry units regularly attack this "zone of control" and the rebels' four other principal base areas in the Salvadoran countryside. Just a few hours before the party began, Army mortars bombarded a ridge line five miles from here.

The Army's elite Belloso Battalion, advancing from the west, already had begun the eighth government sweep through these mountains this year. Government helicopters and reconnaissance planes had made observation flights in the morning, and rebel sentries were posted to shout for the lanterns to be extinguished if any aircraft approached. Helicopters had rocketed and strafed the nearby hamlet of Jocotio four days earlier, breaking tiles on several roofs, according to two residents of that village.

Government troops, particularly the feared Atlacatl Battalion, burn crops, household goods and homes during attacks almost every month, according to interviews with dozens of residents conducted during a rare nine-day trip behind guerrilla lines here in the northern province of Chalatenango.

In violation of government rules against attacks on civilian targets, aircraft periodically bomb, rocket or strafe villages even when no armed guerrillas are around, the residents said.

The number-two guerrilla leader here, known by his nom de guerre Dimas Rodriguez, mingled with the crowd of about 150 on the evening of the party. A thin, nervous military specialist, he led a successful assault on the nation's largest dam and hydroelectric plant in June of last year.

Gonzalez, the zone's top commander, is a former elementary school teacher and union organizer. He is a formal, retiring sort who slipped away before the three guitarists and bass player began their medley of revolutionary and traditional folk tunes.

Officials of the local rebel administration and armed militiamen escorted me and four other U.S. citizens during the tour, but we were free to speak with anyone privately. The local rebel officials and other residents acknowledged that the Salvadoran government armed forces' behavior had improved this year, noting in particular that troops had not staged a large-scale massacre in the area since, they said, 40 civilians were stalked and killed 14 months ago along the Gualsinga River near here.

The government armed forces spokesman, Lt. Col. Carlos Aviles, in a subsequent interview in the capital, San Salvador, said the military did not target civilians in inhabited zones, but he added that eastern Chalatenango was "depopulated" and that the rules in such areas were "not exact."

It appears that the armed forces consider the area to be empty of civilians because the rebels' peasant supporters, called *masas* or "masses," hide in the mountains whenever troops approach.

Confronted by the government's military pressure, thousands of rebel supporters and relatives have fled this zone and other rear-guard areas in the past two years for refugee camps or towns in no man's land where the armed forces are less aggressive, according to officials of the local revolutionary government here and to international relief workers.

This exodus cuts into the pool of

nned peasants who grow food, clothes, carry supplies and spy r the guerrillas. A maximum of ,000 civilians—one-half of 1 per- nt of the nation's population— rrently live in areas that normally e under rebel control and actively ork for the guerrillas.

In addition, the election of uarte last year, accompanied by a modest, U.S.-backed purge of military officers involved in "death squad" activities, has bolstered the government's prestige at home and abroad. The guerrillas' image has suffered this year because of increasing attacks on civilians, including the kidnaping of more than 30 mayors and shootings of bus and truck passengers during nationwide transportation stoppages.

A guerrilla commando unit also killed four unarmed, off-duty U.S. Marine embassy guards and eight civilians and wounded six others in an attack on a crowded restaurant in June in San Salvador.

The Reagan administration has persuaded Congress to finance a major buildup of the military and particularly the Air Force, which the guerrillas cite as their most formidable enemy.

"Without the help from the planes, the Army wouldn't ever get in here," veteran peasant organizer Maria Serrano said.

Rebel leaders acknowledged that the situation has changed since 1982 and 198, when the guerrillas drove out the National Guard outposts and Civil Defense patrols that once enforced the government's rule in what are now the "zones of control." In addition to northern and eastern Chalatenango, these base areas include the northern half of Morazan province in the east, the slopes of the Guazapa Volcano near the capital and areas in San Vicente and Usulutan provinces.

At a meeting of its five-man general command in July, the Farabundo Marti National Liberation Front, known by its Spanish initials FMLN, drew up new strategies to deal with what it termed the government's new style of counterinsurgency warfare. The FMLN is made up of five guerrilla armies, one of which is the Popular Liberation Forces headed by Gonzalez and based here in Chalatenango.

Gonzalez and the four other commanders agreed on new tactics emphasizing small-scale combat operations, kidnapings and political assassinations, and stepped-up organizational work with unions and refugee groups, guerrilla leaders said. In a tacit admission that they are on the defensive militarily, they said that labor agitation and other popular movements currently represent the "most dynamic" part of the revolutionary struggle.

The FMLN also agreed in principle to unite its often fractious five forces into "one single army," and to spread the war to new areas, particularly in the capital and the mostly peaceful western part of the country. Guerrillas have infiltrated through Chalatenango and have begun raiding military outposts in the western province of Santa Ana. They are seeking to open a front there just as they did here three years ago.

When viewed from this isolated retreat, the rebels' strong conviction that this strategy ultimately will succeed is easier to understand. The only people left here are militants with years of experience either in the guerrilla forces or in radical mass organizations, so the sense of commitment is continually reinforced, no matter what the reality may be elsewhere. People here routinely call the Army the "enemy," as in a query from a middle-aged peasant man about the whereabouts of the Belloso Battalion: "What's the enemy up to?"

The guerrillas, who usually live in secret camps that we were not allowed to visit, have few material needs and seemed to be adequately supplied. Each carries two sets of clothes and a few personal belongings in a small pack, and wears a flashlight, canteen and a few clips of ammunition on a belt.

When asked where they obtained their U.S.-made M16 automatic rifles and ammunition, the rebels invariably responded that their arms were captured from the enemy. When pressed, they did not deny that some of their supplies arrived via Nicaragua or other friendly leftist countries.

Two large burlap bags filled with cheap leather boots were seen at a supply post. They were said to have been smuggled across the nearby Honduran border.

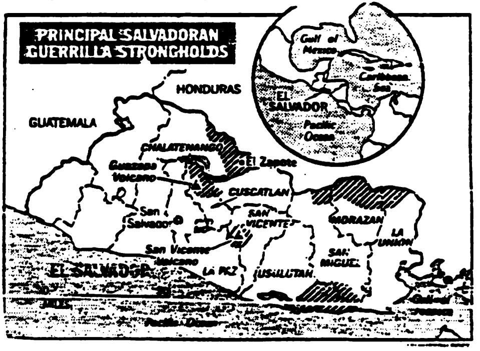
Most importantly for their survival, both the guerrillas and their supporters have learned from dozens of government attacks how to defend themselves. The attacks, while frightening, appear to cause relatively few casualties.

Children as young as 10 are able to tell from the sound of an airplane when it is close enough to attack, and crude bomb shelters dug into earthen banks were visible near virtually every inhabited hamlet. Guerrilla patrols with walkie-talkies monitor the Army's movements and warn the people to get out of the way during sweeps.

Our group received reports twice a day about the Belloso Battalion's position, and we changed our itinerary once to steer clear of it. The other U.S. visitors were a photographer, a film maker, and the top two officials of a U.S. group that raises funds to buy medical supplies for clinics, mainly in guerrilla-dominated zones.

The last confirmed civilian deaths in Chalatenango occurred Aug. 6 when an air attack killed three noncombatants in El Ocotal, northwest of here. Previously a 40-year-old man was killed during a helicopter-borne assault on July 19. Guerrilla commanders declined to disclose their casualty figures but said they were "very low," an assessment shared by residents.

The guerrillas' political-military commander for Chalatenango, known as Ricardo, acknowledged that the war would be a long one now that the United States has committed its power to defending the Duarte government. He argued that the guerrillas still would win, saying that "all empires must fall."



THE WASHINGTON POST · FRIDAY, NOVEMBER 8, 1985

Villagers Say Few Hurt in Air Raids

By Robert J. McCartney
Washington Post Foreign Service

PATAMERA, El Salvador — When two small A37 attack jets streaked over a ridge from the south last month, residents of this mountaintop village raced into the forest or to cramped holes dug in banks of moist earth.

"We heard the first bombs almost as soon as we began running. Later there was machine gunning and rockets," Juana Rosas, 40, recalled.

The two Salvadoran Air Force planes, accompanied by a helicopter, dropped 11 bombs in the Oct. 11 raid on this town in territory that usually is controlled by left-wing guerrillas, villagers said.

The blasts destroyed three families' houses and a rudimentary health clinic run by the local revolutionary administration, they said. The buildings collapsed into jumbles of charred wooden beams and piles of mud bricks that were still visible here.

Eight-month-old Gregorio Ortega, wounded slightly in the head by flying debris, was the only casualty among the 22 residents present that day.

EL SALVADOR'S GUERRILLAS

Second in a Series

"Nobody died, thanks to God and to the training of our people, who have learned what to do in air raids," his mother, Esperanza, 34, said.

For the left-wing guerrillas and their peasant supporters in this small, rebel-dominated enclave in northern El Salvador, the civil war sporadically erupts at the doorstep in a matter of minutes.

In contrast with most of the rest of the country, where the armed forces have been tightening their hold with the help of U.S. funds and training, these sparsely populated mountains are the scene of continuing conflict.

The Air Force and Army reserve their most aggressive treatment for areas such as this one, a cradle of the Salvadoran revolutionary movement and still a vital rear-guard area for the rebels.

Despite the government's declared policy against attacking noncombatants, the guerrillas' civilian supporters are victims, according to dozens of residents interviewed here during a rare, extended trip behind guerrilla lines.

Aircraft sometimes attack the few inhabited villages left in this zone even when no guerrillas are around and when there has been no combat in the area, residents said.

Their accounts indicated that such raids were occasional rather than continual, and they said that the armed forces have shown more respect for civilians this year than in the past.

Seven witnesses at Patamera said in separate interviews that no guerrillas were nearby on the day of the bombing, which would appear to make the raid a violation of the government's 14-month-old rules governing use of air power.

The armed forces disputed the villagers' account, saying in response to a query that military operations were under way in the zone at the time.

Army troops often burn grain supplies, household goods and, occasionally, people's houses during near-monthly sweeps through the area, residents said.

The peasants, warned in advance by the guerrillas, flee their homes and conceal themselves in the thick forests or in caves for up to a week at a time until the troops leave.

They said they often live on only sugar and water while hiding in this way, and have only cloth blankets to protect themselves against rain.

Despite the fighting, neither the air nor ground assaults seem to have caused high casualty tolls. In all of this province of Chalatenango, a total of four civilians were confirmed to have died during government attacks in the past four months.

A pro-rebel doctor who works here estimated that an average of four or five civilians are wounded each month. In all of the country, the most recent confirmed civilian deaths from an air attack occurred on Oct. 12, when three civilians died just south of the town of Perquin in the northeastern province of Morazan.

Both guerrillas and their peasant backers, called *masas* or "masses," have years of experience in protecting themselves. In addition, rebels acknowledged that the armed forces have stopped killing scores or even hundreds of unarmed "organized" peasants at a time, as in previous years.

"We don't underestimate the effect of public opinion in the United States in discontinuing massacres. It has had some effect, but it hasn't stopped the policy of death," a peasant organizer said.

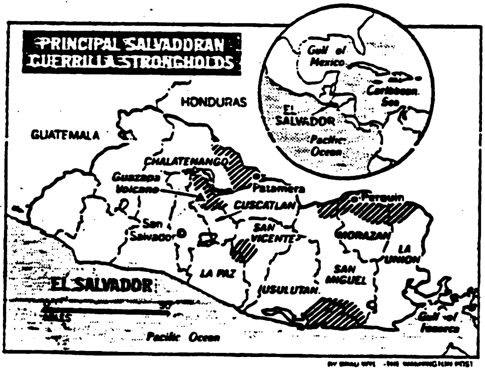
The armed forces' strategy appears to be to drive the rebel supporters out of guerrilla strongholds and thus deprive the revolutionaries of their base.

The continual threat of air and ground attacks thus has an important psychological impact in encouraging people to move to refugee camps or towns outside rebel domination.

About half of the peasants in this 75-square-mile enclave—3,000 out of a population of 6,000—have left in the past 14 months, according to local rebel officials.

Guerrilla leaders said that more than 1,000 civilians had returned to the area during the same period, although many of these had come from other leftist strongholds.

One of the other strongholds is



the slopes of the Guazapa Vol- no south of here, where air at- cks are more frequent and heavi- than in Chalatenango.

Guazapa is considered militarily tical because it sits astride the ute between this rebel staging ea and the guerrillas' urban cad- in the capital, San Salvador.

The Roman Catholic Church's uman rights office said that the ttacks on Guazapa accounted for ost of the 226 civilian deaths that e group said it had confirmed as aving resulted from "indiscrimi- ate" armed forces attacks during e first six months of this year.

The Salvadoran government and e U.S. Embassy have accused this ffice of inflating such figures in the ast, and a year ago the office admitted that it had erred in reporting ne particularly large casualty toll. t was impossible to check the most ecent figures without visiting all reas in the country where fighting as taken place.

The armed forces' public position egarding civilians in rebel-domi- ated zones is ambivalent. Armed orces chief spokesman Lt. Col. Carlos Aviles, when asked about these accounts, began by explaining that civilians who support the rebels provide "the logistical and administrative apparatus that nourishes the guerrillas."

He added, however, that civilians were not military targets and that there were no civilians left in the area that I had visited.

"There are nothing but ghost towns in this area," he said, pointing at a map at the places in eastern Chalatenango where I had seen several hundred unarmed peasants.

He acknowledged that the Army might have found the region deserted during its sweeps because the peasants clear out when troops arrive, and said that armed forces' policies in "depopulated" areas were "not exact."

Aviles emphasized that the armed forces have begun this year to evacuate civilians forcibly from rebel-controlled zones, particularly on Guazapa Volcano, where 1,000 have been removed this year.

The Army said it has an obligation to transfer noncombatants from areas where it intends to stage military operations.

"It is preferable to justify putting 300 families in a refugee camp rather than justify the killing of those 300 families," Aviles said.

Guerrilla leaders and peasants in Chalatenango said they were aware of the armed forces' evacuation policy, but they expressed skepticism about it.

"The enemy says it just captures you now, but it's better to be safe and run away from them. There have been too many massacres," peasant Manuel Orellana, 53, said.

Guerrilla supporters said they stayed because they are strongly committed to the guerrillas' cause.

They said that they grow corn and beans, make clothes and run errands for what they called "our army."

Many have sons or husbands fighting with the guerrillas, or daughters working as nurses, cooks or radio operators.

In Patamera, residents said that they devote two days a week—Saturdays and Tuesdays—to working for the rebels.

The price of this commitment can be high. In the village of Los Albertos, three miles west of Patamera, 40-year-old Juan Rivera pointed at the charred wooden beams of his small shack and said that the Atlacatl Battalion had burned it during an attack in March.

"They took the sorghum out of my bins in the fields, spread it on the ground and set it afire," he said.

"They smashed all of our cooking pots as well."

The sweep by the Atlacatl Battalion destroyed 75,000 pounds of grain, equal to roughly 15 percent of the total stored in eastern Chalatenango at the time, according to the local guerrilla-sponsored "popular government."

The battalion also killed one civilian, Eugenio Calles, in Los Albertos when he was discovered hiding on a nearby mountain, residents said.

Los Albertos also was the site of helicopter attacks in August and September, according to residents, although they disagreed about the dates.

No fighting was under way nearby at the time and nobody was injured, but several tile roofs had to be repaired after being damaged by machine-gun fire, they said.

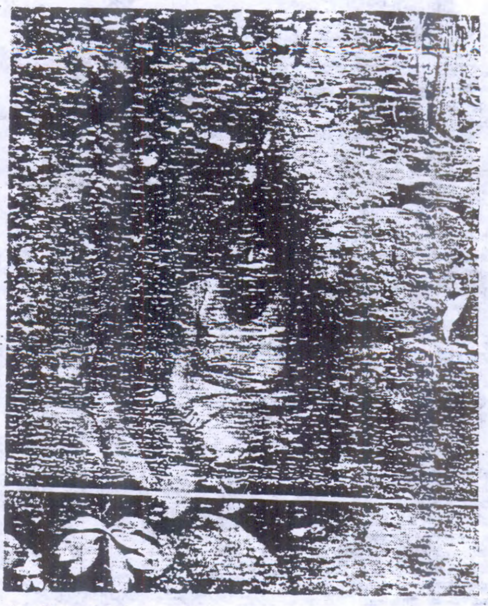
The peasants here have grown accustomed to living in a war zone, and are expert at avoiding aircraft and troops.

Some have planted leafy trees next to their houses so their roofs are concealed from pilots flying overhead.

The local revolutionary governments have supervised construction of dozens of bomb shelters, and 11 women and children packed themselves into a hole 6 feet long, 6 feet wide and 4 feet high during the Patamera attack.

"Dirt fell in my hair, and it was hard to breathe," 4-year-old Mardoqueo Lopez said.

Later, while his grandmother Emilia was being interviewed about the raid, the boy clutched her skirt and said softly to himself, "The bomb, the bomb, the bomb, the bomb."



Juan Rivera and his wife crouch in crude shelter where they hid from bombs.

The Washington Post Saturday, November 9, 1985

Five Factions Seek Unity Through New Tactics

By Robert J. McCartney
Washington Post Foreign Service

EL ZAPOTE, El Salvador—El Salvador's five guerrilla organizations have committed themselves to tougher tactics such as increased kidnapings, along with new efforts to build a mass base of workers and peasants, as part of a plan to merge their forces, rebel leaders say.

This nation's Marxist-led revolutionary movement has suffered since its earliest days from ideological divisions that sometimes have resulted in brutal internecine killings. Now on the defensive militarily and politically, the guerrillas are seeking to put aside past disputes and form a more united front.

The principal split within the Farabundo Marti National Liberation Front, the umbrella guerrilla organization known by its Spanish initials FMLN, is both geographical and ideological. Described simply, it is between the military-oriented guerrillas based in the eastern part of the country and the rebels based here in the north who have shown greater interest in political organizing.

EL SALVADOR'S GUERRILLAS

Third in a Series

At a meeting of the FMLN's general command in July, there appears to have been a trade-off, according to accounts given by top guerrilla leaders interviewed during a trip behind rebel lines at the end of last month. The "militarists" won support for hard-line tactics such as kidnaping mayors, and they agreed in return to focus more on political work designed to broaden the guerrillas' popular support.

It remains to be seen how much success the FMLN will have in forging "one single army," as the general command said it had agreed to do. Guerrillas of each of the five forces still live in separate camps in the field, or in distinct areas in shared camps such as those on Guazapa Volcano between here and San Salvador.

In addition, the new emphasis on kidnapings and urban commando operations—such as the slaying of four U.S. marines and eight civilians at a sidewalk restaurant in June—is likely to strain further the FMLN's alliance with exiled social democratic politicians such as Guillermo Ungo and Ruben Zamora.

While the FMLN is made up of five guerrilla forces, the fundamental division is between the two largest groups. These are the Popular Liberation Forces, based here in Chalatenango province, and the People's Revolutionary Army, based in the northeastern province of Morazan.

The differences between the two are evident in their relations with civilians in their "zones of control," and in the concerns and personalities of their leaders. It has become possible only in the past four months for a U.S. journalist to make that assessment, because the FMLN's leaders did not begin to meet with U.S. reporters until July. They said then, and again in October, that they had made this choice to communicate directly with the U.S. public and thus encourage it to oppose the Reagan administration's strong support for the Salvadoran government.

The Popular Liberation Forces, formed in 1970 by a breakaway faction of the Salvadoran Communist Party, has worked to build a mass base of civilian supporters. Poor peasants living in this area enthusiastically support the guerrillas, and little or no tension is apparent when armed rebels arrive at a village here.

In contrast, relations between the People's Revolutionary Army and civilians living in areas that it dominates in the east appear to be uncomfortable. When six journalists were invited to a news conference in the People's Revolutionary Army's "capital" of Perquin in Morazan province on July 4, the guerrillas organized an obviously staged demonstration by local residents. Some peasants complained as much about the rebels as about the armed forces.

One reason for the difference in relations with civilians was the People's Revolutionary Army's attempt to force peasants to join its ranks last year. The Popular Liberation Forces has avoided forced recruitment, and the other group now admits that it was a mistake.

The Popular Liberation Forces' top leader, known as Leonel Gonzalez, was soft-spoken and reserved during a conversation here on Oct. 29. He repeatedly emphasized the point that, in his words, "this war is both political and military." He was described as relying on other commanders of his faction, notably Dimas Rodriguez and Salvador Guerra, for military advice.

The People's Revolutionary Army's top leader, Joaquin Villalobos, is widely considered to be the guerrillas' brightest military thinker. He talked almost exclusively about military strategy at the July news conference, as Communist Party leader Jorge Shafik Handal answered questions on political topics. Judging from these two encounters with the FMLN's leadership, Villalobos seemed to have a more forceful personality than Gonzalez.

The guerrilla leaders declined to discuss their fighting strength, but a high-ranking leader of the Popular Liberation Forces who defected earlier this year said that the People's Revolutionary Army has about 2,000 guerrilla fighters and the Popular Liberation Forces has about 1,500. He said that the other forces in the FMLN all are much smaller, with none having more than 500 guerrillas. These three are:

- the Central American Revolutionary Workers'' Party, which staged the attack on the marines;
- the Armed Liberation Forces, which is the armed branch of the Salvadoran Communist Party headed by Handal; and
- the Armed Forces of National Resistance, formed by a faction that broke away from the People's Revolutionary Army in 1975.

Since the Perquin "summit meeting," the FMLN's five forces have cooperated more closely in drawing up military and political plans, guerrilla leaders said. The most visible effect was that the Popular Liberation Forces began on Sept. 18 to kidnap mayors of towns in areas either inside or bordering its "zones of control."

The People's Revolutionary Army had started to kidnap mayors in April, but the Popular Liberation Forces had not followed suit, apparently out of a desire to avoid that kind of attack on civilian targets. It was agreed at Perquin that mayors should be kidnaped because "permitting some mayors to carry out their functions was in contradiction with the FMLN's military control in those zones," Gonzalez said here.

There have been other signs of a shift to tougher FMLN tactics since the general command's meeting. In particular, an FMLN commando unit kidnaped President Jose Napoleon Duarte's daughter on Sept. 10, and guerrillas seem to have become more willing than in the past to open fire on passenger buses or trucks during nationwide transportation halts called by the FMLN to disrupt the economy.

The abduction of Duarte's daughter appeared to violate a quiet agreement reached last year between the FMLN and its civilian allies headed by Ungo and Zamora that relatives of prominent persons would be left alone. That accord was reached following the FMLN's abduction of the brother of Defense Minister Gen. Carlos Eugenio Vides Casanova, Gonzalez said.

Gonzalez insisted that Duarte's daughter was seized because of her work with the president's Christian Democratic Party, which the FMLN has declared a target, and

THE WASHINGTON POST SUNDAY, NOVEMBER 10, 1985

Memories of Repression Spur Guerrillas to Fight

Many Lost Loved Ones to Death Squads

By Robert J. McCartney
Washington Post Foreign Service

TEQUEQUE, El Salvador—This country's leftist revolutionaries are still fighting after nearly six years of warfare because of memories of vicious repression, the conviction that the rich still run the country and a vague vision that life would be better under a "people's government."

Most veteran guerrillas and their peasant supporters seem ready to fight indefinitely, but they do not appear to be attracting many new recruits. A large majority of militants interviewed during a nine-day trip behind guerrilla lines had joined the left during its upsurge in the 1970s and early 1980s.

EL SALVADOR'S GUERRILLAS

Last of a Series

These longtime radicals, who describe themselves as a revolutionary vanguard, dismiss recent reforms in El Salvador as inadequate, halfway measures. Having broken ties long ago with their families and the mainstream of Salvadoran society, they have committed all of their personal energies to seeking victory.

When pressed, some rebels conceded that the three elections held in El Salvador since 1982 were not openly rigged by the armed forces as in the past. But they argued that the Christian Democratic government of President Jose Napoleon Duarte is a smokescreen for continued control by the military and the oligarchy, the term used here to describe the powerful class of wealthy landowners and businessmen.

"Duarte says there's democracy now, but it's a lie. We're still the poor. Nothing has changed," said farmer Oscar Martinez. One day a week, usually "Red Saturday," as it is called, he and other men till patches of corn, beans and rice which have been set aside for the guerrillas.

The guerrillas do not talk in specific terms about how they would reorganize society if they won, partly because they know that they are nowhere close to victory. Their proposals for a negotiated peace settlement, like Duarte's offers, seem to be designed mainly for public relations and not as a realistic starting point for serious talks.

"The reasons for our conflict are rooted in a deep social inequality," rebel commander Leonel Gonzalez said. "If the roots of the conflict do not disappear . . . then a solution would not be just, and would not end the conflict."

It is clear that the Salvadoran guerrillas' leadership is Marxist-Leninist in its political orientation. The Salvadoran left is more openly radical than Nicaragua's Sandinistas were when they came to power in 1979.

The reason is that the Sandinistas made an alliance with Nicaraguan business and professional groups to oust the widely despised Somoza family dictatorship.

El Salvador's Farabundo Marti National Liberation Front has little support among this country's wealthy and professional classes.

For many of El Salvador's rebels, the most compelling reason for their struggle is to avenge the deaths of loved ones. Since 1979, the Army, military security forces, civil defense personnel and right-wing vigilante groups called death squads are estimated to have killed more than 30,000 people who were fingered as guerrillas or leftist sympathizers.

"My younger brother joined the guerrillas, so they [the military] persecuted me. It was dangerous, so I joined as well in 1977. My father was killed [in 1982] because all four of his sons were guerrillas," a rebel militiaman using the name Keyes said.

The rebels' determination to fight on can be chilling.

For example, one revolutionary song with a catchy tune praises the Belgian-made FAL automatic rifle: "Yes, comrade, the FAL is good; to eliminate the criminal." In another, a guerrilla sings that he has come from afar "to do away with the bourgeoisie."

Following are thumbnail sketches of four longtime radicals in the movement, their reasons for joining and for staying now.

The Commander

Like many guerrilla commanders, Ricardo, 38, was a middle-class youth who became radicalized while attending university in San Salvador in the early 1970s.

Tall and thin, with a bushy black beard and thick eyeglasses, he now is the guerrillas' political-military director for the northern province of Chalatenango.

"My parents had to work very hard to stay afloat," he said. They were both teachers, a profession that has yielded many Salvadoran revolutionaries including Ricardo's boss Gonzalez.

"I arrived at the conclusion that, with the great majority of the people suffering hunger, it was necessary for all the people to radically change the structure of the society," Ricardo said.

After the military detained him briefly for working as a peasant organizer, he entered clandestine life in 1974.

"My [real] name is already forgotten," he said. "I haven't seen my family since 1977."

Ricardo acknowledged that many peasant families, tired of suffering air and infantry attacks, were leaving the province for which he is responsible.

But he argued that they still support the revolution, and that they will continue to work with the guerrillas from their new homes in refugee camps or in government-dominated territory.

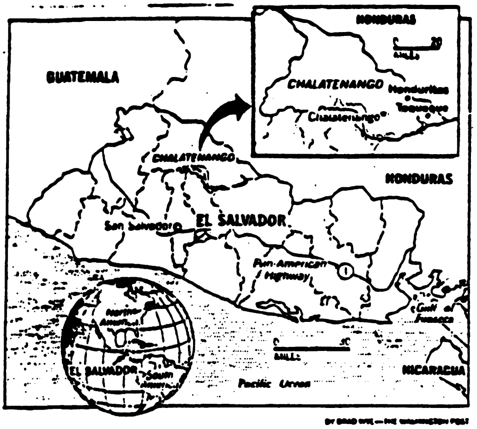
The Peasant

Oscar Martinez, 30, an "organized" peasant, delivered his third daughter under a tree in the forest in May while hiding from Army troops that were making a sweep through the area. He used a razor blade to cut the umbilical cord after his wife spent nearly 24 hours in labor in the open.

"I told her that I hoped that the enemy was a long way away so that they wouldn't hear her groans," Martinez said. "I know if the enemy captures me, they'll kill me, because I collaborate with the boys," using a common slang term for the guerrillas.

Asked why he puts up with such hardship to grow food for the rebels, Martinez said simply, "They

memories of repression



need support from us." He said he joined the left in 1975 after quitting a job as a coffee picker because the landowner cheated him at the scales when his daily total was weighed, and because the pickers once were fed mice at their noonday meal.

"My work is the hoe. I am a *campesino* for the people," he said.

The Organizer

Maria Serrano, 35, was an ardent Duarte supporter in the 1972 presidential elections. Duarte won at the ballot box, but, it is now generally accepted, the armed forces stole his victory from him.

Serrano and many other current revolutionaries left mainstream politics then because of disgust over the fraud.

"At that time, the people loved Duarte. They saw him as an alternative," Serrano said. "I was a militant for the Christian Democrats with all my heart and soul. Now I'm the same way for the local popular government."

Serrano, stocky and with a quick smile, is one of the most important organizers in this rebel stronghold. In September 1983, after two years as head of the local women's organization, she was elected the first president of the "popular" government.

Today she is an adviser to that government, and lives a nomadic life walking continually from village to village. She recruits people for new tasks, hears their complaints, and spreads news and gossip throughout the guerrillas' "zone of control."

Serrano, who was born in the nearby town of Arcatao, had to go to work as a servant at the age of 9 to earn money for her family.

"Those [U.S.] congressmen who approved aid for Duarte deserve to be in a good bombardment so they'll know what it's like," she said.

The Guerrilla

Teodoro Hernandez was 13 years old in 1975 when he joined a radical peasant union in his native province of San Vicente in central El Salvador.

Five years later he became a guerrilla, and now, at the age of 23, he commands a unit of 100 men in one of the guerrillas' two elite brigades.

"I'd say I've been in about 20 battles," he said. He received a slight shrapnel wound in the rebels' successful attack on the Cerron Grande dam in June 1984.

Hernandez said that all four of his brothers also were guerrillas on various fronts.

A sister and another brother died at the ages of 5 and 2 respectively in 1974 because of malnutrition, he said.

"My parents, from the beginning, were poor," he said. "I saw in our country that there wasn't a government capable of resolving the problems of poverty and health."

In camp, Hernandez said, the guerrillas clean their rifles, play dice games and chess, listen to the radio, and wonder when they'll get leave to visit their girlfriends.

He hasn't seen his in two months, but said: "One suffers many sacrifices, but in the end we will achieve the liberation of our people."

Five factions seek unity through new tactics

not because she is related to the president. Nevertheless, other guerrilla leaders here emphasized that Duarte negotiated with the FMLN only because his daughter's liberty was at stake.

Owing in part to the unity agreements, Gonzalez said, "We've been able to carry out commando operations that have had a great political importance."

Two days after the prisoner exchange, gunmen kidnaped a colonel who is head of the nation's civil aviation authority. Guerrilla leaders here declined to claim responsibility for the abduction, but the Popular Liberation Forces' number two leader, Dimas Rodriguez, said of it, "This is a war."

Gonzalez said the FMLN's transportation blockages had become more effective because the individual guerrilla forces were cooperating more than in the past.

"Now we are doing political work at every roadblock, explaining our positions to the people," he said.

Gonzalez said that most civilians who died during these stoppages were victims of "accidents" that resulted when military personnel in civilian clothes opened fire at guerrilla roadblocks. Five civilians were killed and 18 were wounded during the FMLN's most recent transportation blockage, Oct. 4 to 17.

Perhaps the biggest test of the FMLN's unity plans will be whether the People's Revolutionary Army begins to work to improve its standing with peasants in the east. Without mentioning the People's Revolutionary Army by name, Gonzalez repeatedly emphasized the need to build mass support.

"If in the past we have had an attitude of distancing ourselves from the masses, now we have an opportunity to link up with them," Gonzalez said.

He and other rebel leaders said that all FMLN guerrillas, as well as support personnel such as cooks and nurses, are receiving new political training as a result of the summit.

He also stressed that the FMLN had to build ties with workers in San Salvador, where recent labor agitation has raised the FMLN's hopes that worker discontent will bring them more recruits.

Suggested Questions

1. At the November 5th hearing on the administration's proposal Secretary Abrams, in response to Senator Kerry, was unable to identify a single "concrete benefit" that had accrued from the 17 years long public safety program. Can you identify any such benefits?

A. -- While many focus on the abuses that occurred in countries receiving assistance under the Public Safety Program, in fact, a positive legacy was also bequeathed by the effort, one that is evident in the process of returning to civilian democratic government in the region.

2. Secretary Abrams was reluctant to pinpoint what went wrong with the old public safety program. Let me ask you, Mr. Michel, at the time of its termination the public safety program was the object of much criticism. Critics charged that gross abuses had occurred by police trained under the program, and with equipment provided by it. In your judgment, were there abuses that occurred during the 17 year period?

-- was Congress justified in terminating the program with the adoption of Section 660?

-- what were the reasons for the program's failure? (or, what went wrong with our management of the program that permitted the abuses to occur?)

A. -- As noted in public testimony by former SFRC Staff Director Holt on November 19, the Congress terminated the Public Safety Program because of the public perception that the U.S. was, through the program, associated with human rights abuses perpetrated by goverments that were or had become military dictatorships. The point here is that the Public Safety Program itself was not responsible for, or associated with, specific abuses.

-- The key to the program would, thus, appear to be the environment in which the program is being implemented -- in 1974 when the program was terminated the trend in Central America was a movement away from democratic government. Today, all the countries of the region, except Nicaragua, are moving toward democracy and have a political leadership committed to democratic values, foremost among which is respect for human rights.

3. Mindful of Santayana's caveat that those who do not learn from the past are condemned to repeat it, what did we learn from the past experience with police training that will serve us well in this new endeavor?

A. -- The program we are asking Congress to approve will differ in the following respects from the Public Safety Program.

I. Change in political environment:

- elected governments in Central America

- USG concern for human rights as a major element of US policy

- US political/economic/military support for democratic government in Central America -- but no support to security institutions.

II. First requirement for bilateral program under the proposed bill is a political commitment by elected government to democratic government and to responsible public security organizations.

III. Operational/implementational procedures are designed with past experience as a guide:

(a)management directly by the Ambassador and Country team with oversight from Interdepartmental Group on Terrorism and Central American Working Group. No technical bureau will provide policy oversight.

(b)Bureau of Human Rights will participate in program design and clearance procedures.

(c)no corps of resident training staff or advisors. Will be run by existing Office for Anti-terrorism Assistance and by Military Groups in each country.

(d)State-side expertise will come from established US law enforcement institutions (federal and local) on a cooperative, reimbursable basis.

(e)Institutional Approach top down:

(1) Orientation and Training sequence

- political level
- Chiefs, Commanders, senior managers
- Mid-level supervisors
- Technicians/instructors

(2) Human rights and community relations

- Integral part of training cycle
- Part of institution-building: internal affairs unit

(3) Equipment: related and follows specific training

IV. Oversight

A. Public Advisory Panel: Chiefs of Police, officers of professional US police organizations

B. Congressional

- annual budget submission
- a program, not an institution
- reports: regular Congressional oversight through Section 543

-- The program is limited in scope and intent to the kinds of assistance described in the attached document.

-- As noted by Administration witnesses, no training or equipment will be provided that would be construed as facilitating or aiding abuse of human rights.

4. The single largest difference identified by you and by Secretary Abrams between now and when the public safety program was terminated is that the fledgling elected civilian governments are now in place or are about to be. But what about the police forces in those countries?

(a) For example: Are the police forces in Guatemala, El Salvador, and Honduras separate from the military?

A. -- On a global basis, few countries have totally distinct military and police forces. Many countries have forces that perform both police and paramilitary functions (e.g. Spain's Guardia Civil, the Italian Carabinieri, the French Gendarmarie). In many of the Central American countries, the public security forces serve the same functions as the U.S. National Guard. The nature of the institutions are rooted in various historical experiences and it is not the intention of the program to force, artifically, a duplication of the U.S. organizational system. It is a policy objective, however, to ensure that the organizations respond effectively to democratically elected civilian leadership.

-- The Guatemalan police are comprised of the National Police (10,000); the quasi-independent police detective corps of some 600 agents; the Treasury Police, Immigration police and border guards; a newly-formed Naval Police to patrol waters and protect natural resources; and the ambulatory Military Police of 4500. In addition, the new Constitution establishes the right of the nation's 326 municipalities to create their own local police.

-- There are three distinct Salvadoran security forces, the National Police (PN), National Guard (GN), and the Treasury Police (PH). The LECTAP portion of the program would provide instruction and assistance to these three civilian units.

-- These public security forces are an administratively distinct unit from the armed forces under the supervision of a Vice Minister for Public Security who reports to the President of El Salvador through the Minister of Defense. All three elements of the public security forces are currently headed by military officials. At the same time, recruitment directly into the public security forces is now underway as part of long-term efforts to institutionally separate public security and military forces.

-- The Honduran Public Security Forces (FUSEP) consists of approximately 5,000 personnel and is responsible for all civil, criminal, and investigative police services in Honduras.

- Although FUSEP has an independent career service, its personnel are ultimately responsible to the Commander of the Armed Forces.

- FUSEP includes a specially-trained 360-man counterterrorist force with specific responsibility for urban emergencies, and the Directorate of National Investigations (DNI), the criminal investigation branch of FUSEP, which is responsible for investigation of subversion and intelligence and counterintelligence activities when there is no appropriate military agency.

> (b) Have there been any reported incidents of civilian abuses (including arbitrary arrests, torture, killings, beatings and the like) by any of those forces to your knowledge during the past 12 months? Past several years?

-- Guatemala. Since January 1981, we estimate some 5000 civilian non-combatants have been killed in Guatemala. Many groups, including the security forces and the insurgents, as well as individual criminals, were responsible for these deaths. There is no reliable way to assign culpability in most individual cases, and we therefore cannot estimate how many of the victims were killed by the security forces. Torture has been used in the past on captured civilians.

-- El Salvador. It is not possible to provide a realistic estimate of the number of instances in the past several years to the present in which police or security forces killed or tortured civilians in El Salvador. The period in question is one in which many thousands of violent deaths and multiple forms of human rights abuses occurred in that country. It is clear that some of those were perpetrated by elements of the Salvadoran military and security forces. However, the number which can be directly attributed to those forces is not known. Nor is it possible to establish with any degree of certainty the percentage of the violence attributable to left-wing terrorists or to other criminals. What is clear is that all bear some responsibility for the crimes committed against the Salvadoran people but none bears all of that responsibility.

Since the beginning of 1980, particularly in the first half of that period, many Salvadorans were the victims of abuses brought about by a fratricidal war in their country. The disruption of the society caused by that war permitted criminals to engage in violent acts which in some cases had purely political motives, in others were the result of personal vendettas, in still others were carried out for private gain, and in some were brought about by a combination of those and other motives. Undoubtedly, some agents of the Salvadoran security forces were parties to some of those crimes. However, the blanket accusation that all or most of the crimes committed in El Salvador since 1980 are the responsibility of government forces ignores the obvious and enormous role of guerrilla terrorists in killings of Salvadoran citizens and massive abuse of their rights. It also ignores the responsibility of criminals not connected to either the government or guerrilla forces for much of the violence.

-- Honduras. We have no data base from which to make a reasonable estimate of the number of incidents in the past several years in which Honduran security personnel may have killed or tortured civilians, nor of incidents in which security personnel have been detained and convicted for such abuses. There is credible evidence that security personnel may have been involved in some of the disappearances and other abuses against civilians reported in previous years. This is one of the reasons why the Government of Honduras and the Honduran Armed Forces have requested our cooperation to enhance the professionalization of the Honduran security services. Security personnel have been convicted of involvement in the abuse or death of civilians. A notable example, which involved the testimony of a U.S. citizen, was the 1983 detention and subsequent conviction of Armed Forces personnel in connection with the killing of a Guatemalan citizen, Dr. Oscar Giron.

(c) How confident can the Congress be that these forces are now capable of absorbing training and equipment, becoming professionalized, and capable of respecting civilian civil rights in executing their duties? Has their leadership changed? Are they organized differently now than the were when we terminated the old public safety program?

A. -- In Guatemala and El Salvador, units accused of perpetrating human rights abuses have been abolished.

-- In El Salvador the three forces comprising the public security forces have been reorganized as an administratively distinct unit under a Vice Minister for Public Security of the Ministry of Defense. A new police academy is established and a separate police career track has been established.

-- In Honduras, the intelligence and counterterrorism functions of the police have been reorganized and the police are being administratively separated from the military.

-- In Guatemala, the new Constitution permits all 326 municipalities to establish separate police agencies.

-- Initial efforts in El Salvador to provide military skills training to military units of the public security forces has amply demonstrated that Central American public security forces are amply capable of absorbing training and equipment as part of a longer-term process of professionalization under civilian democratic governments.

5. Why is the administration seeking to fund this program under the Chapter VIII Anti-terrorism authority rather than the police training waiver provided in Public Law 99-83 (the foreign aid bill) last August?

A. -- The relevant legislation in PL 99-83 is Section 660(d). However, this section is inadequate for our program.

-- First, Section 660(d) waives a prohibition without providing a positive grant of legislative authority or authorizing appropriations.

-- Second, 660 provides no funding for military counterterrorism assistance.

-- Third, 660 makes no provision, authorization or funding for the proposed Counterterrorism Protection Fund.

-- Finally, it is the Administration's view that for purposes of implementing a program of counterterrorism assistance to public security forces, it is preferable to maintain a single organization, the Anti-Terrorism Assistance Office of the Department of State, as the implementing agency for these programs. Rather than assign such responsibility to AID, or create an additional bureaucratic organization, ATA already has the proven capability for implementing such a program. Most importantly, chapter 8 of part II of the Foreign Assistance Act already establishes legislative authority, reporting and Congressional oversight procedures.

6. In late September the Administration reprogrammed monies originally to be used for the RMTC in Honduras for use in the military assistance program in El Salvador. If the terrorist threat in Central America is as grave as you portray, why didn't you earmark those reprogrammed funds for counterterrorism programs which exist within the armed forces?

A. -- The RMTC funds were appropriated as a specific line item and were justified for a specific purpose, i.e., military training. That need remained.

-- The effective performance of Salvadoran military against the guerrilla insurgency reflects the training provided to date. In El Salvador, we do not have a choice between counterinsurgency and counterterrorism. Our objective is to continue to provide an effective military shield against the guerrillas, while thwarting their efforts through terrorism to attack softer targets.

7. In testimony and in various briefings, the Administration blurs the guerrilla activity, insurgent actions, and terrorism. Cited as terrorism were the deaths of the four Marines and the abduction of President Duarte's daughter, but the attack on the Salvadoran military base at La Union was also discussed in the context of this counterterrorism proposal. If you are not making a clear distinction, it would seem that assistance that we are already providing is appropriate to support the government in El Salvador. Please comment.

A. -- The Zona Rosa murder of 13 individuals, including six Americans, demonstrates why current U.S. assistance to El Salvador is inadequate. On the evening of June 19, two truckloads of guerrillas drove through San Salvador without confronting a police check point or being reported by a police patrol. The Vice Minister for Public Security arrived at the scene in his own vehicle and had to communicate with his forces and President Duarte through a U.S. Embassy vehicle radio. His forces arrived via public transportation. In the interim, the guerrillas got away unchallenged and witnesses left the scene. Evidence was compromised in the process. No formal pathology or forensic reports were completed due to the absence of such a capability.

-- The absolute absence of transportation, communication, roadblock skills and investigatory capability reflects the prohibition on our provision of such assistance which existed until Section 660(d) was approved. That provision still did not provide a positive grant of authority, nor did it authorize appropriation of funds.

--The Zona Rosa case demonstrates that the guerrillas use terrorism to kill Americans. The La Union attack demonstrates that the guerrillas' desire to kill Americans continues. Since terrorist acts by the guerrillas also continue, we infer that the guerrillas may seek further opportunities to kill Americans in terrorist acts.

8. You are obviously looking beyond a one year program. What are you really looking for in terms of a commitment from the Congress to support a counter-terrorism policy. Is this just a new name for additional sources of military assistance? How much money are you going to request over the next years? What about other regional programs? What about the rest of the world?

A. -- We are asking Congress to approve new legislation with specific counterterrorism authorities. As explained in earlier responses, existing legislation simply does not provide the authority we need to carry out our program.

-- Improving the counterterrorism capability of the countries in the region will require a long-range, multi-year program. Although we can supply some training and equipment soon which would greatly increase their present effectiveness, the establishment of a competent, self-sustaining counterterrorism force is not an overnight process. Thus, as we have said in earlier testimony and responses to congressional questioning, we will be returning next year to ask for further funding.

-- How much money we will ask for in the following years depends in part on how much is authorized and appropriated in the initial legislation. A reduction from the $54 million in S. 1757 would obviously affect our planned program, and we would have to stretch out some of the training and provision of equipment.

-- We have no information on other regional progams.

9. I would like you to clarify Mr. Abrams' testimony regarding violations on the part of the Salvadoran security forces. In terms of numbers, the abuses have been down, but did he mean to say on p. 88 that "One of the ways that we got the Salvadoran security forces to eliminate such human rights abuses as there were was by working closely with them...." Is he saying that human rights abuses on the part of the security forces have been eliminated?

A. -- We cannot state that without any exception that individual members of the Salvadoran military and security forces do not -- in violation of orders and policy -- engage in human rights abuses on isolated occasions. We can say with confidence that the level of human rights abuse has diminished dramatically and that such abuse no longer occurs with even the tacit approval of the leadership of the public security forces or the military.

-- New procedures are being institutionalized to preclude abuse of prisoners. Included here are procedures calling for immediate notification of families and impartial organizations following arrest, permission for visits by family and organizations eight days after arrest, better discipline among arresting and interrogating officers, and a more alert court system. Equally important, the military and public security force leadership have repeatedly made clear to their subordinates at all ranks that abuse of prisoners is contrary to policy. Although we have been disappointed by the failure of the Salvadoran court system to date to convict military officers prosecuted for abusive activity -- the Sheraton case is the chief example but there are others -- we have also noted that the Salvadoran military and public security forces have deliberately marginalized from their senior ranks any officer not ready to fully comply with human rights standards. The path to success in the Salvadoran military and public security forces is no longer one of abuse, but one of professionalism.

-- We believe that our efforts with the Salvadoran military and public security forces have been an important element in achieving this improvement. We have been most successful with the Salvadoran military. There our training has had a direct impact on the awareness of troops and officers of human rights concerns and our assistance -- to counter an anti-democratic force which threatens not only the Salvadoran government but also the future of human rights in that country -- has provided both concrete help and an additional incentive to leave behind past abusive practives. This twin goal, to help them meet the threat of leftist terrorism and to provide incentives for further improvements in their conduct, is also the objective of our assistance to Salvadoran public security forces.

10. In its October 4 report on human rights in El Salvador, the Americas Watch notes a resurgence in death squad activity, citing 81 assassinations and 63 disappearances for the first half of 1985 as compared to 39 assassinations and 56 disappearances for the previous 6 months. Was death squad activity taken into account in the Administration's report which states that the "Duarte government has dramatically reduced the level of political violence..."?

A. -- In recent months, some groups and organizations, including Americas Watch, have alleged that the improvement made in the first months of the Duarte administration has stalled or even receded. Those allegations are not supported by evidence. A principal and crucial failing of critics of the Salvadoran government's recent performance in observing human rights is their frequent unwillingness to distinguish between allegations of human rights violations and actual cases of such abuse. In fact, the commitment of President Duarte's government to improve the observance of human rights has been maintained and its efforts in this area continued.

-- The October 4 Americas Watch report that ten to twenty death squad killings occur each month is accurate only if the definition of "death squad killing" is stretched to include murder by individual civilians, leftist terrorist groups, and common criminals. If "death squad" is defined as right-wing paramilitary groups linked to the armed forces or security units, then the report is inaccurate.

-- Americas Watch attributes the allegation of ten to twenty death squad killings per month to Tutela Legal. Tutela Legal's figures have been demonstrated to be inaccurate in the past and can be shown to remain inaccurate. Last year we provided information to the Congress which cast the reliability of Tutela Legal's figures on political violence into serious doubt. We demonstrated in that report that, contrary to Tutela officials' statements that their information is based on personal testimony, a long list of incidents were taken directly from newspaper accounts. The times, places and number of victims were in almost every case identical in the newspaper account and in Tutela's copy. The consistent and revealing difference between the two accounts was that while in the newspapers the victims were identified as guerrillas, in Tutela Legal's subsequent reports the reported guerrillas, inexplicably and falsely, were identified as civilians.

-- The most striking example of Tutela's distortion of the truth was its account of the December 31, 1983 engagement at El Paraiso, Chalatenango. The events of December 31-January 1 consisted of an attack by several hundred armed guerrillas against the isolated army headquarters. In the process of overrunning the garrison, the guerrillas killed 75 soldiers and captured over one hundred. In its subsequent press release the army exagerrated in claiming that it had killed 250 guerrillas during the engagement. Tutela Legal took this published army figure of guerrilla casualties and subsequently listed it as an army atrocity against 250 unidentified civilians. In fact, the guerrilla assault against the army garrison was separated by at least a half mile from the nearest significant civilian settlement--a purely military action in which no civilians were involved on either side.

-- Some groups are evidently willing to accept Tutela Legal's claims that it has reformed its "methodology" and no longer engages in the errors revealed in 1984. Unquestioning use of Tutela's figures for supposed death squad killings certainly suggests acceptance of the new reliability of those figures. In fact, Tutela's accounting of the violence in El Salvador continues to be skewed by its willingness to accept uncritically personal "testimony" from anyone alleging government or military abuse of human rights. The director of Tutela Legal continues to justify Tutela's acceptance of allegations from any quarter which claims government abuse by insisting that "the people do not lie to the Church." This in the face of repeated instances which amply demonstrate that even if the people do not lie to the Church, the guerrillas and their supporters willingly and frequently do.

-- Further distorting Tutela's statistics is its conclusion that killings which cannot be otherwise identified can reasonably be assumed to be the responsibility of government sponsored "death squads." In a country which even in times of peace had one of the highest murder rates in the world, Tutela's reports reflect no victims of perpetrators with personal or ordinary criminal motives. In addition, even though Americas Watch January 1985 report acknowledged that "targeted political assassinations by the guerrillas resemble death squad killings," Tutela ignores the possibility that some of the deaths which it assumes were carried out by agents of the government may be the responsibility of the extreme left. The case of three students killed in February is illustrative. Tutela Legal concluded that the assassinated students were victims of "death squads." It was later revealed that the students were killed by leftist terrorists when they identified one as a member of an association supportive of the Salvadoran armed forces.

11. Panama is included in this proposal. Do you think that this is a wise policy given the recent ouster by the armed forces of President Ardito Barletta?

A. -- President Barletta resigned his office because the military informed him they shared the widespread dissatisfaction with his leadership felt throughout the country. The Administration did consider the situation in Panama, and concluded that because of the extraordinary security interests in the country, including the Canal and the thousands of Americans stationed there, and the large number of terrorists who use Panama as a safe haven, that Panama should be included in the grant of authority in the region-wide program.

-- However, the Panama program will only be considered after a careful evaluation has been made of the situation in Panama and it is determined that such a program will enhance movement toward a legitimate democratic government.

12. While it is a desireable and admirable goal to have civilian police institutions in Central America, is it realistic for the United States to assume a good part of the responsibility for the process by which it is achieved?

A. -- Fostering of democratic regimes -- the promotion of democracy -- is a key objective of U.S. foreign policy. While we do not intervene in the internal political processes of other governments, it is our policy to support and sustain democracies around the world, especially those under attack from externally-supported Marxist-Leninist guerrillas.

13. Do you ackowledge that this program bears public diplomacy risks? If so, how do you minimize the costs to us if there is regression in El Salvador's progress?

A. -- We agree that there are public diplomacy risks to U.S. participation in training and equipping Salvadoran public security forces, just as there was in our assisting the Salvadoran military. We are convinced, however, that our assistance to the public security forces will have the same effects as our assistance to the military, namely: (1) improve their capacity to respond to an anti-democratic guerrilla enemy which threatens not only Salvadoran security but our security interests as well, and (2) improve the conduct by the Salvadoran public security forces which, building on improvements already achieved, will make them even more worthy of our support.

-- Although we anticipate no regression in El Salvador's human rights progress, we are also aware of the left's capacity to generate "human rights offensives" which appear to indicate backsliding; in that sense, at some point there will be an appearance of backsliding even if the underlying reality is quite different. We believe that the only appropriate U.S. response is continued support for democracy and full observance of human rights, and for the Salvadorans who champion those causes with increasing success.

14. In your earlier testimony, you were asked several questions about the need for a human rights reporting requirement in the budget amendment. You responded that such an amendment is already mandated under Section 574 of the ATA program. Is it not correct, however, that section 574 is merely a notification requirement, and that human rights reports are not required under the ATA program unless they are specifically requested by Congress? Do you object to a specific reporting requirement on human rights as part of this budget amendment?

A. Section 574(a)(2) states

> The chairman of either the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate may request, as deemed necessary, a currrent report on the state of observance of and respect for internationally recognized human rights in the country to which assistance is to be provided. In the event that a report is requested, no assistance under subsection (a) shall be provided to the country specified prior to transmittal of the report to the requesting committee.

-- Since Congress already has the perogative to ask for human rights reports under Section 574 we feel that no further requirement is necessary.

-- We would also point out that Congress already requires human rights reports on a regular basis under several other authorities; two examples are the annual Human Rights Report and the biannual Report on the Current Situation in El Salvador.

-- Given the duplication of such reporting requirements, it would appear that in the case of the present legislation, adequate provision is already made for such reporting.

15. At the last hearing, you were unable to answer Senator Kerry's question regarding the concrete benefits derived from the old Public Safety program. Don't you believe that a good understanding of the problems of the past would help in shaping your new proposal for assistance to the police? At this point, do you have an assessment of the Public Safety program and a concrete proposal on how you would avoid the pitfalls and the problems of that program?

A. -- While many focus on the abuses that occurred in countries receiving assistance under the Public Safety Program, in fact, a positive legacy was also bequeathed by the effort, one that is evident in the process of returning to civilian democratic government in the region.

-- We have looked carefully at the Public Safety program. The program we are asking Congress to approve will differ in the following respects from the Public Safety Program.

I. Change in political environment:

- elected governments in Central America
- USG concern for human rights as a major element of US policy
- US political/economic/military support for democratic government in Central America -- but no support to security institutions.

II. First requirement for bilateral program under the proposed bill is a political commitment by elected government to democratic government and to responsible public security organizations.

III. Operational/implementational procedures are designed with past experience as a guide:

(a)management directly by the Ambassador and Country team with oversight from Interdepartmental Group on Terrorism and Central American Working Group. No technical bureau will provide policy oversight.

(b)Bureau of Human Rights will participate in program design and clearance procedures.

(c)no corps of resident training staff or advisors. Will be run by existing Office for Anti-terrorism Assistance and by Military Groups in each country.

(d)State-side expertise will come from established US law enforcement institutions (federal and local) on a cooperative, reimbursable basis.

(e)Institutional Approach top down:

(1) Orientation and Training sequence

-political level

-Chiefs, Commanders, senior managers

-Mid-level supervisors

-Technicians/instructors

(2) Human rights and community relations

-Integral part of training cycle

-Part of institution-building: internal affairs unit

(3) Equipment: related and follows specific training

IV. Oversight

A. Public Advisory Panel: Chiefs of Police, officers of professional US police organizations

B. Congressional

-annual budget submission

-a program, not an institution

-reports: regular Congressional oversight through Section 543

-- The program is limited in scope and intent to the kinds of assistance described in the attached document.

-- As noted by Administration witnesses, no training or equipment will be provided that would be construed as facilitating or aiding abuse of human rights.

16. The Administration has emphasized judicial reform in El Salvador. What concrete steps have been taken to bring all elements of the military and security forces under civilian judicial authority?

A. -- There are four key points in demonstrating the concrete progress made in bringing military and security forces under civilian judicial authority:

(a) The elections which have taken place in El Salvador have resulted in the creation of a representative assembly, the drafting and implementation of a new constitution, and the inauguration of a civilian head of state.

(b) Among President Duarte's first actions upon assuming office was the overhaul of the leadership of two of the security forces and the transfer or removal of military commanders suspected of rightist violence.

(c) In addition, Duarte's government has begun the process of fundamentally altering the system of justice so that it can deal with the cases put before it.

(d) The Salvadoran government, with U.S. assistance, is working to bring the force of law against those who have committed crimes.

-- These are all key steps which have been taken to establish a democratic government's authority in El Salvador and to bring the rule of law to bear against groups and individuals who, taking advantage of the society's disruption, engaged in crime with impunity.

-- Salvadoran civilian leaders have based their government on a mandate from the Salvadoran people which the armed forces are committed to respecting. The crucial first step in bringing "all elements of the military and security forces under civilian judicial authority" was to bring them under civilian political authority and subject them to the rule of law which was not observed in previous years.

-- The judicial system, which even in times of peace was severely underfinanced and understaffed, was subject to the same strains and was the victim of the same disruption as the country's other institutions.

-- President Duarte's government entered office soon after the conviction of five National Guardsmen for the murder of four American churchwomen. The government prosecutors' condemnation of the lawlessness of some members of the security forces and their appeal for a conviction of the defendants in order for them to serve as an example in other cases were broadcast throughout the country. That was an historic milestone in El Salvador which served as a backdrop to the new government's efforts to eliminate abuses by agents of the government and to hold them accountable for their actions.

-- The government arrested several members of a violent gang linked to the former head of the Treasury Police and indicted them on numerous criminal charges. Duarte's government has pursued other prosecutions--three soldiers accused of killing U.S. citizen Michael Kline, two National Police and a woman accomplice accused of murder, the killers of land reform official Rodolfo Viera and his U.S. advisors, a sergeant and ex-soldier accused of killing Rev. David Fernandez. In addition to those specific cases the government has discharged many soldiers and security force agents for abuses and placed them before the courts for prosecution, 271 in 1984 alone. These are concrete steps taken by the government against criminal elements in the army and security forces.

-- The Salvadoran government recognizes that, for its actions to be truly effective against those who have engaged in violence, the judicial system must be able to bring those guilty of crimes to justice. Prosecutions carried out by the executive branch begin to address the problem, but the court system must be capable of convicting those who are guilty. While there have been some successes in obtaining such convictions in other cases--those of Major Roeder, the five year prosecution in the El Playon case and Lt. Lopez Sibrian--strong evidence and determined efforts by the prosecution have failed to secure convictions.

-- The government has taken concrete steps in this area. Recognizing that prosecution frequently fails because inadequate initial investigation does not provide sufficient evidence for conviction, the government established a new, more professional investigative body under civilian direction. On July 4 the Legislative Assembly passed legislation establishing a Commission for the Investigation of Criminal Acts to oversee the work of the investigative body. That commission is chaired by the Minister of Justice and includes the Vice Minister of Interior and President Duarte's private secretary.

-- The legal establishment of the commission allowed the work of the investigative unit to begin in earnest. Pursuant to the July 4 legislation, this investigative unit is a duly constituted auxiliary organ of the courts so that evidence it produces is admissible in court. It has the judicial investigative powers of the security forces but it is governed by a civilian commission. In establishing this unit, President Duarte listed the Archbishop Romero case, the Las Hojas case, the Armenia case, the Sheraton case, the Sullivan case and the June 19 massacre of thirteen people as the crimes on which he wanted the unit to focus. In August the Salvadoran Attorney General ordered the Romero murder investigation reopened. That case and the others named by President Duarte continue under active investigation. In two of the cases, Las Hojas and Sheraton, the government has appealed recent court rulings favorable to defendants.

-- In establishing the investigative commission, the Salvadoran government has taken an important step toward eliminating a major flaw in the criminal justice process. Nevertheless, the government recognizes that further fundamental changes in the juridical and administrative structures of that system are required if it is to function effectively. On June 13 the Legislative Assembly created a Revisory Commission to examine and recommend broad improvements in the justice system. The affirmative vote of all 52 assembly members present at that session demonstrates the broad support for the commission and, more generally, for reforming the Salvadoran system of justice. Following the vote, commission members submitted a work plan and budget for review by other government agencies. A line item in the national budget was approved for the commission, thereby enabling it to receive and administer its own funds.

17. In the State Department's October 29 report on human rights in El Salvador, submitted in compliance with Section 660(d) of the Foreign Assistance Act, a sweeping statement is made that there "is no credible evidence that human rights violations of any kind occur with even tacit government consent." It is then stated that there were 189 victims of political violence against civilians in the first half of the year. Is the Administration saying that the government forces are free of any responsibility for this political violence?

A. -- We do not claim that individual members of the government forces are free of any responsibility for the political violence which continues to occur in El Salvador. What we do claim, and what we believe is fully supported by all available evidence, is that the government of El Salvador strongly opposes those abuses and has implemented measures which have reduced human rights violations by soldiers and police agents to a fraction of the remaining politically motivated violence. We also believe that the government is committed to identifying and removing from the army and security forces those who abuse their authority. The case of Rev. David Fernandez, murdered in 1984 by an army sergeant and a former soldier, is an example of that commitment. The likely perpetrators of that crime were arrested, jailed and are currently awaiting trial on charges in connection with that crime. In that case, as in others, government agents engaged in a criminal act and were, as a result, punished for their actions.

-- Based on reports from our embassy in San Salvador, we believe that guerrilla terrorists are responsible for the bulk of the current political violence in El Salvador. Killings for which the guerrilla groups claim responsibility or which can be traced directly to those groups currently represent a majority of the victims of violence. In the figure of 189 politically motivated killings in the first half of 1985 are dozens of victims of guerrilla ambushes and targeted assassinations. The figure includes the 21 victims of a brutal guerrilla attack on the town of Santa Cruz Loma and the 13, including six U.S. citizens, killed in the attack on a restaurant in San Salvador in June. It also includes numerous victims of guerrilla attacks against Salvadoran public officials and civil servants. There are, in addition, many in that number who were killed in the course of guerrilla actions. These include traffic stoppages in which those who fail to stop are shot, urban actions in which bystanders are killed and indiscriminate placement of contact-detonated mines which claim many civilian victims.

-- The assertion that no evidence exists which indicates government consent for human rights violations is fully supported by actions of the Duarte government. Duarte's government came into office committed to ending those abuses. The government has worked to enforce that policy and the results of those efforts are reflected in the dramatically lower levels of violence since the inauguration of President Duarte. When the government is able to identify the perpetrators of abuses it arrests and punishes them and does not, either explicitly or tacitly, condone their actions.

-- To recognize that reality does not require ignoring the fact that some elements of the Salvadoran army and security forces continue to bear responsibility for some of the violations of human rights which still occur. Although the conduct of those forces has been dramatically altered since Duarte's government took office, in some cases soldiers and police agents still abuse their authority. When the government is able to identify the perpetrators of such abuses it arrests and punishes them, something which any government which does not condone rights violations, either explicitly or tacitly, would do in similar circumstances.

18. In your testimony you refer to a change in the political culture in Central America, specifically in El Salvador. Others argue democracy may have reached its high water mark in the region and they cite recent events in Panama to support their argument. Does the United States have it within its power to consolidate democracy's gains in the region? If so, how does this modest program help achieve that? How would you answer the charge that the goals of this program are too ambitious?

A. -- In recent years we have seen all the countries of Central America, with the conspicuous exception of Nicaragua, strive towards democracy. All of these governments, though, are fragile: they need help in creating and maintaining such institutions of democracy as a functioning judicial system and security forces. We are working to assist the efforts of these governments to build strong judicial systems in the region through the Administration of Justice program, and we believe that we can also help them begin to stabilize the countries' law enforcement agencies through the counterterrorism assistance we propose.

-- We believe we do have the power to help consolidate some of democracy's gains in the region, and, moreover, that we have a responsibility to help our Central American neighbors to sustain the democracy they have taken decades to achieve. Our program can help do this by beginning the professionalization of the countries' police forces, which will in turn foster the trust and support of the people.

-- We do not believe our program is overambitious. All of the countries for which we are requesting funds lack very basic police capabilities. We believe that improved performance on the part of the security forces will go a long way in helping sustain the new democracies in the region.

GUATEMALA

CURRENT COUNTER-TERRORISM CAPABILITY

- NO UNITS TRAINED FOR CT REACTION
- NO SPECIAL EQUIPMENT FOR CT REACTION
    - -- NO FLAK VESTS
    - -- NO TRAINING FACILITIES
- NO SECURE COMMUNICATIONS NETWORK
- INADEQUATE COMMAND AND CONTROL

REQUIRED COUNTER-TERRORISM CAPABILITY

- CT RESPONSE UNIT TO REACT TO TERRORIST OPERATIONS
    - -- DEVELOP HOSTAGE RESCUE UNIT
- COMMUNICATIONS SECURE NETWORK
    - -- NEED SECURE FM COMMUNICATIONS TO ESTABLISH FUNCTIONAL COMMAND NETWORK
    - -- INCREASED INTELLIGENCE
- TRAIN EXPLOSIVE ORDANCE DISPOSAL UNIT
    - -- REMOVE BOMBS, BOMB INCIDENT MANAGEMENT

PROPOSAL

- 100 MAN HOSTAGE RESCUE UNIT EQUIP AND TRAIN	$1.0 MILLION
- SECURE FM COMMUNICATIONS FUNCTIONAL COMMAND NETWORK	$0.5 MILLION
- EXPLOSIVE ORDNANCE TEAM EQUIP AND TRAIN	$0.5 MILLION
RECAP SUBTOTAL	$2.0 MILLION

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